Ministry of Education

STUDENT FOCUSED FUNDING

PUPIL ACCOMMODATION GRANTS - 2002-2003

Pupil accommodation grants - revised technical paper (May 2002)

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Pupil Accommodation Grants

Introduction

The student-focused funding model which was introduced in 1998 consists of three categories: a *foundation grant* that provides for the core education of every student in Ontario; nine *special purpose grants* that recognizes the different circumstances faced by students and school boards; and a *pupil accommodation grant* that pays for the cost of heat, lights, maintenance, renewal, and the construction of new schools.

Pupil accommodation grants are provided on a per-pupil basis and reflect the following principles. School boards are responsible for providing schools and facilities for their students and for operating and maintaining their schools as effectively and efficiently as possible. The provincial government is responsible for providing adequate financial resources and the flexibility to enable boards to meet those responsibilities and for monitoring board actions to ensure accountability to the taxpayers.

School boards that have demonstrated that they are using existing school buildings effectively, and that their enrolment cannot be accommodated without new space are provided with block grants on a per-pupil basis to deal with the cost of constructing, furnishing and equipping new schools and paying for this over time. All school boards receive per-pupil grants to offset the costs of operating (i.e. heating, lighting, cleaning and maintaining), repairing and renovating their schools.

In 1998, the Ministry committed to provide funding in 1998-99, 1999-00 and 2000-01 to cover the servicing costs of loans related to capital projects approved prior to May 15, 1998. This funding will continue.

As at August 31, 2001 approximately $1.091 billion of this debt had been permanently financed through debenture or long term loans with specific schedules for the payment of principal and interest. Grants to cover these payments will be provided until this debt has been retired.

A further $882.8 million of capital related debt has not yet been permanently financed. The Ministry is working with the Ontario Financing Authority to arrange this permanent financing for this debt on a pooled basis. Once this has been done, grants to cover payments to service this debt will be provided until it has been retired.

The purpose of this paper is to provide a description of the formulas used to determine pupil accommodation grants for each board, the implementation of the funding approach, and the accountability framework for the funds provided.

Formula-Based Approach

A board's pupil accommodation grant is calculated using separate formulas to determine grants for school operation (i.e. heating, lighting, cleaning and maintenance), for school renewal (i.e. repairs and renovations) and for new pupil places which reflect the different factors influencing need.

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These grants are determined on a per-pupil basis. The formulas used to calculate grant allocations for individual boards differentiate between the traditional elementary and secondary school panels and adult education, specifically:

Total Grant for Pupil Accommodation								
			= Grant for New Pupil Places		+ Grant for School Renewal		+ Grant for School Operation	
Grant for New Pupil Places	= Enrolment in excess of Capacity	X	Benchmark Area Requirement per Pupil	X	Benchmark Construction Cost per Sq. Ft.			
				Plus				
	Enrolment Pressures	X	Benchmark Area Requirement per Pupil	X	Benchmark Construction Cost per Sq. Ft.			
				Plus				
	Capital Transitional Pressure	X	Benchmark Area Requirement per Pupil	X	Benchmark Construction Cost per Sq. Ft.			
	The sum of the three components X Geographic Adjustment Factor							
Grant for School Renewal	= Enrolment	X	Benchmark Areas Requirement per Pupil	X	Supplementary School Area Factor	X	Benchmark Renewal Cost per Sq. Ft.	
				Plus				
	Top Up Funding for School Renewal*							
Grant for School Operation	= Enrolment	X	Benchmark Area Requirement per Pupil	X	Supplementary School Area Factor	X	Benchmark Operating Cost per Sq. Ft.	
				Plus				
	Top Up Funding for School Operation*							

*Top Up Funding is available for schools that are offering a regular day school program (exclusive of adult day school) and that are operating at less than full capacity.

A Supplementary School Area Factor, is applied in the calculation of the Grant for School Operation and the Grant for School Renewal. This factor recognizes unique design features of a board's schools, such as wide hallways, large shop spaces and auditorium space for example, and the additional space needs of boards serving a disproportionate number of students with special needs.

This factor is based on information compiled in the School Facilities Inventory System. Separate factors which reflect the area per pupil place are calculated for elementary and secondary schools. Each board's factors are found in Appendix A.

Funding is also provided for school operations and renewal for schools that are operating at less than full capacity. Top-up funding is calculated on a school-by-school basis for schools offering a regular day-school program (exclusive of adult day-school). This additional funding, which is not to exceed the revenue generated by enrolment equal to 20 percent of school capacity, increases total revenue for school operations and renewal for a school up to the amount that would be generated if the school was operating at full capacity. Appendix B illustrates the calculation of the additional grants for a number of hypothetical schools.

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A geographic adjustment factor is applied to the Grants for New Pupil Places in recognition of differences in construction costs across the province (See Appendix C). It is acknowledged that geographic factors will also impact custodial and maintenance costs and the cost to repair and renovate schools. The funding model includes a number of special purpose allocations that address unique circumstances faced by individual boards. In determining the Small Schools Allocation, the Remote and Rural Boards Allocation and the Early Learning Allocation, allowance has been made for custodial and maintenance and facilities renewal costs. Accordingly, no explicit geographic adjustment is being applied to the Grant for School Renewal and the Grant for School Operation.

Grant for New Pupil Places

Generally, only boards whose elementary school enrolment exceeds the capacity of their elementary schools or whose secondary school enrolment exceeds the capacity of their secondary schools will be eligible to receive Grants for New Pupil Places.

Boards are responsible for determining whether or not a school is surplus, and whether or not the surplus property should be leased or sold (See Appendix D). The requirements for disposal of surplus schools are outlined in Ontario Regulation 444/98.

In 1998, detailed information on each school in Ontario was compiled through the School Facilities Inventory System and used to determine the capacity of each board's elementary and secondary schools on a consistent basis across the province.

That analysis was overseen by the Pupil Accommodation Review Committee comprised of Ministry and school board personnel.

Space that was being used to accommodate school-based child care centres as at December 31, 1997 has not been included in the capacity calculations so as not to impact centres currently in operation. Surplus space that may be converted to child care use after that date, however, will continue to be included in the calculation of the capacity of schools.

Boards have an opportunity to reduce the capacity figures used in the determination of the Grants for New Pupil Places on an ongoing basis. Surplus schools offered at no charge to co-terminous school boards and the Ontario Realty Corporation (ORC) by December 31 of each year and closed before the beginning of the following academic year will be removed from the board's inventory of schools in the calculation of Pupil Accommodation Grants for that following academic year.

Capacity figures will also be reduced upon notification to the Ministry of a board's intention to sell a school in accordance with agreements developed with the Education Improvement Commission regarding the distribution of the assets and liabilities between the English and French components of the old board structure.

Adjustments to a board's capacity may also be made to reflect inter-board transfers of schools. Generally, these adjustments will reflect the rated capacity of the schools in question. The rated capacity of the school given up by December 31 of any year will be removed from the inventory used to calculate Grants for New Pupil Places in the following academic year and the capacity for the school received in return, added to that inventory.

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Some boards have indicated that they would be willing to transfer facilities if such transfers created efficiencies for the board; however, they expressed concern about the impact that the capacity of the acquired facilities would have on the calculation of Grants for New Pupil Places, in particular, for schools that may be larger than needed in the short term. The Ministry therefore incorporated an adjustment into the Grant Regulation which is intended to result in more effective use of existing school facilities in the province.

Specifically, the section of the Grant Regulation dealing with the calculation of Grants for New Pupil Places recognizes that the capacity figure for a transferred school will be the lesser of actual enrolment levels (as measured in terms of Average Daily Enrolment) and the rated capacity for the facility provided that prior approval has been obtained from the Ministry and that the transfer meets the following criteria:

- the transfer is consistent with the boards' long term accommodation plan;
- the transfer benefits students from both boards (i.e. through improved facilities; reduced transportation needs, etc.);
- the transfer results in more effective use of existing public assets; and
- the transfer reduces the need for the boards to construct new school facilities in their jurisdictions.

This "floating" capacity, which will apply only for purposes of calculating Grants for New Pupil Places, will remain in effect until such time as enrolment levels in the school reach the rated capacity level for the facility. After that time, the rated capacity for the facility will be used in the determination of the board's grants.

Similar adjustments were introduced in 2001-02 and continue to be available to boards that acquire a facility that has been offered at no cost by another board under the requirements of Ontario Regulation 444/98 provided that the following criteria are met:

- The board has indicated its unconditional desire to accept the school at no cost from the offering board per Ontario Regulation 444/98; and

- The board acquiring a facility at no cost has notified the Ministry of Education, in writing, within thirty days of having expressed an interest in acquiring the facility to the board that offered the facility at no cost. Such notification must demonstrate, to the satisfaction of the Ministry, the following:

    - the acquisition is consistent with the board's long term accommodation plan;
    - the acquisition benefits students of the board (i.e., through improved facilities; reduced transportation needs, etc.);
    - the acquisition results in more effective use of existing public assets; and
    - the acquisition reduces the need for the board to construct new school facilities in its jurisdiction.

The capacity of the school acquired by December 31 of any year will be added to the inventory used to calculate Grants for New Pupil Places in the following academic year. The capacity figure will be the lesser of actual enrolment levels (as measured in terms of Average Daily Enrolment) and the rated capacity for the facility . This "floating" capacity, which will apply only for purposes of calculating Grants for New Pupil Places, will remain in effect until such time as enrolment levels in the school reach the rated capacity level for the facility. After that time, the rated capacity for the facility will be used in the determination of the board's grants.
Boards also have the option of selling schools which may be surplus to their needs at fair

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market value, except that the price for the property is not to exceed the value of the Ministry's Grants for New Pupil Places when the purchaser is a coterminous school board, or a Provincial School or publicly funded care and treatment facility offering programs leading to a diploma. The proceeds from the sale are to be placed in a Pupil Accommodation Reserve. Regulation 446/98 regarding Reserve Funds governs the use of the proceeds of such transactions (see Appendix E).

In 2001-02, a change was built into the funding formula to provide resources to boards that are not eligible for Grants for New Pupil Places to address significant and persistent enrolment pressures at specific schools.

Specifically, a board whose total elementary enrolment is less than the total elementary school capacity will be eligible for funding in recognition of enrolment pressures if data reported in Appendix C of the Financial Statements (Top-Up Funding) indicates that:

- enrolment at any one of its elementary schools has exceeded the capacity of the school by at least 100 pupils in each of the past two years (i.e. 2000-01 and 2001-02); **and**
- there is not sufficient surplus capacity at nearby schools (i.e. within 8 km by road) to accommodate the excess enrolment at the school.

For schools meeting both of these criteria, a number of pupil places equal to the average of the difference between enrolment and capacity at the school in 2000-01and 2001-02 will be recognized for funding beginning in 2002-03 and will be added to the board's permanent capacity used in the calculation of Grants for New Pupil Places in the current year, i.e., 2002-03. This approach will be used for subsequent years. These pupil places will be funded in the same manner as for other Grants for New Pupil Places for elementary schools as illustrated below.

Similarly, a board whose total secondary enrolment is less than the total secondary school capacity will be eligible for funding in recognition of enrolment pressures if data reported in Appendix C of the Financial Statements (Top-Up Funding) indicates that:

- enrolment at any one of its secondary schools has exceeded the capacity of the school by at least 100 pupils in each of the past two years (i.e. 2000-01 and 2001-02); **and**
- there is not sufficient surplus capacity at nearby schools (i.e. within 32 km by road) to accommodate the excess enrolment at the school.

For schools meeting both of these criteria, a number of pupil places equal to the average of the difference between enrolment and capacity at the school in 2000-01and 2001-02 will be recognized for funding beginning in 2002-03 and will be added to the board's permanent capacity used in the calculation of Grants for New Pupil Places in the current year, i.e., 2002-03. This approach will be used for subsequent years. These pupil places will be funded in the same manner as for other Grants for New Pupil Places for secondary schools as illustrated below.

In 2001-02, the formula was also modified to address capital transitional issues for school boards that have enrolment pressures in areas that do not have permanent accommodation. Specific entitlements for individual boards are set out in the Student Focused Funding: Legislative Grants for 2002-03. These pupil places will be funded in the same manner as for other Grants for New Pupil Places as illustrated below. This level of funding will be provided to boards for a period of twenty-five years.

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Beginning in 2002-03, the Ministry will provide funding to boards for schools deemed to be prohibitive to repair. In the calculation of Grants for New Pupil Places, including the Enrolment Pressures component of the grant, the capacity of such schools will be deemed to be zero.

For 2002-03 only those facilities with the most significant problems that the Ministry has been made aware of will be recognized for such funding. The facilities affected are set out in Table 10 of the Student Focused Funding: Legislative Grants for 2002-03.

Grants for New Pupil Places are calculated separately for the elementary and secondary school panels using the following formula:

Grant for New Pupil Places	=	Enrolment in excess of Capacity	X	Benchmark Area Requirement per Pupil	X	Benchmark Construction Cost per Sq. Ft.
				Plus		
		Enrolment Pressures/ Prohibitive Repair	X	Benchmark Area Requirement per Pupil	X	Benchmark Construction Cost per Sq. Ft.
				Plus		
		Capital Transitional Pressure	X	Benchmark Area Requirement per Pupil	X	Benchmark Construction Cost per Sq. Ft.

The sum of the three components X Geographic Adjustment Factor

To ensure an orderly transition to the funding model as boards begin to address the significant backlog of accommodation issues across the province, annual Grants for New Pupil Places for an individual board have been limited to $20 million for an interim period. This amount of funding will support the construction of 20 elementary schools and 5 secondary schools. Boards may need to phase construction starts over a two or three-year period to effectively manage a capital program of this magnitude.

The $20 million cap will be removed after the board has demonstrated that it has begun construction on projects costing at least $200 million since the introduction of the student focused funding model using the New School Facilities Report component of the accountability framework for the Pupil Accommodation Grant. If the $200 million target has been achieved prior to the start of an academic year, the cap will be removed in that academic year (e.g.: if the target is met prior to September 1, 2002, the cap will be removed for the 2002-03 academic year). The amount that had been withheld from boards which had been impacted by the $20 million cap will be paid over a 25-year period beginning in the academic year in which the cap is removed.

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The components used to determine Grants for New Pupil Places are defined in Table 1.

TABLE 1

Grant for New Pupil Places	Elementary Panel	Secondary Panel
Enrolment	"Day School Average Daily Enrolment" of pupils enrolled in Junior Kindergarten, Kindergarten and Grades 1 through 8	"Day School Average Daily Enrolment" of pupils enrolled in Grades 9 through OAC, excluding students 21 years of age and older
Capacity	Capacity of the board's elementary schools as they existed in 1998, as determined using data reported in the School Facilities Inventory System.	Capacity of the board's secondary schools as they existed in 1998, as determined using data reported in the School Facilities Inventory System.
Benchmark Area Requirement per Pupil	100 square feet (9.29 m^2) • will provide sufficient teaching and ancillary space to permit the effective delivery of elementary school programming consistent with the average class size limits specified under the *Education Quality Improvement Act, 1997*, and provide additional space required to accommodate the typical distribution of special education, learning opportunities and language (e.g. ESL etc.) programming	130 square feet (12.07 m^2) • will provide sufficient teaching and ancillary space to permit the effective delivery of secondary school programming consistent with the average class size limits specified under the *Education Quality Improvement Act, 1997*, and provide additional space required to accommodate the typical distribution of special education, learning opportunities and language (e.g. ESL etc.) programming
Benchmark Construction Cost per Square Foot	$11.00 per square foot ($118.40 / m^2) • represents the estimated cost of $117 per sq. ft. ($1,259 per m^2) to design, construct, furnish and equip new elementary schools, amortized over a 25 year period	$12.00 per square foot ($129.17 / m^2) • represents the estimated cost of $126 per sq. ft. ($1,356 per m^2) to design, construct, furnish and equip new secondary schools, amortized over a 25 year period
Geographic Adjustment Factor	Board Specific (See Appendix C) • Factors recognize the additional costs of moving construction materials and obtaining construction services in remote and sparsely populated areas	Board Specific (See Appendix C) • Factors recognize the additional costs of moving construction materials and obtaining construction services in remote and sparsely populated areas

Appendix F illustrates how a board's Grant for New Pupil Places will be calculated.

Boards are required to establish Pupil Accommodation Reserve Funds. Grants for New Pupil Places must be deposited in this reserve. Funds in a board's Pupil Accommodation Reserve are to be used solely to address pupil accommodation issues (e.g. to repair or renovate existing schools, or to acquire new facilities to accommodate students) according to the board's own priorities.

Boards are encouraged to take into account cost implications over the life cycle of their schools in making decisions regarding the use of funds in the Pupil Accommodation Reserve. Funds that are not utilized within a fiscal year are to remain in the reserve for use in future years.

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Boards have the flexibility to enter into a wide variety of arrangements to acquire new space to accommodate their students. The Pupil Accommodation Reserve fund may be used to:

- meet debenture payments for capital projects (e.g. new schools or additions) which would be owned by the board;
- enter into long- and short-term lease arrangements with the private sector;
- enter into multi-use partnership agreements with other school boards, municipalities or the private sector; or
- provide temporary accommodation for students in areas where enrolment is anticipated to decline in the short to medium term

Staff from the Ministry and the Ontario Financing Authority are available to assist boards to assess proposals involving private sector financing.

Boards receiving funding to address persistent enrolment pressures at specific schools and boards receiving funding to address capital transitional pressures may use some of the funds in the Pupil Accommodation Reserve to purchase sites. Additionally, a board that requires a school site, needed to address accommodation pressures, may use some of its Pupil Accommodation Reserves to fund the portion or the entire cost of acquiring the site if this cost is not a growth-related net education land cost, within the meaning of Division E of Part IX of the *Education Act* regarding Education Development Charges. A board may also acquire the new site using proceeds from the sale of surplus properties; savings from its operating budget; or as part of long-term lease or partnership arrangements with municipalities or the private sector.

Sites needed for pupil accommodation arising from new residential development may be acquired with the proceeds from the sale of surplus properties; savings from their operating budgets; as part of long-term lease or partnership arrangements with municipalities or the private sector; or by imposing Education Development Charges (EDCs) provided that they do so in accordance with Division E of Part IX of the *Education Act* and Ontario Regulation 20/98 (See Appendix G).

Grant for School Renewal

All boards receive Grants for School Renewal. These grants are calculated separately for the traditional elementary and secondary school panels and for adult education using the following formula:

Grant for School Renewal = Enrolment X Benchmark Area Requirement per Pupil X Supplementary School Area Factor X Benchmark Renewal Cost per Sq. Ft.

\+

Top Up Funding for School Renewal*

*Top Up Funding is available for schools that are offering a regular day school program (exclusive of adult day school) and that are operating at less than full capacity.

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The components used to determine Grants for School Renewal are defined in Table 2.

TABLE 2

Grant for School Renewal	Elementary Panel	Secondary Panel	Adult Education
Enrolment	"Day School Average Daily Enrolment" of pupils enrolled in Junior Kindergarten, Kindergarten and Grades 1 through 8	"Day School Average Daily Enrolment" of pupils enrolled in Grades 9 through OAC, excluding students 21 years of age or older	"Day School Average Daily Enrolment" of students 21 years of age or older plus the "Average Daily Enrolment" of students enrolled in Continuing Education credit courses during the day (excluding pupils enrolled in correspondence self study programs, and including students in Secondary Summer School programs)
Benchmark Area Requirement per Pupil	100 square feet (9.29 m^2)	130 square feet (12.07 m^2)	*100 square feet (9.29 m2)* • *lower than the traditional secondary school panel because no additional space is required for special needs programs*
Supplementary School Area Factor	Board specific factor that reflects the area per pupil place of a board's elementary schools. It therefore takes into account unique design features (i.e., wide hallways, workshop space, etc.) as well as the additional space requirement associated with special needs programming	Board specific Factor that reflects the area per pupil place of a board's secondary schools. It therefore takes into account unique design features (i.e., wide hallways, workshop space, etc.) as well as the additional space requirement associated with special needs programming	Same as the Secondary Panel as most Adult Education programming is developed in secondary schools.
Benchmark Renewal Cost per Square Foot	Board specific weighted average of $0.64 and $0.96 per square foot ($6.89 and $10.33 per m^2) with the weights reflecting the area of elementary schools under and over 20 years of age respectively	Board specific weighted average of $0.64 and $0.96 per square foot ($6.89 and $10.33 per m^2) with the weights reflecting the area of secondary schools under and over 20 years of age respectively	Board specific weighted average of $0.64 and $0.96 per square foot ($6.89 and $10.33 per m^2) with the weights reflecting the area of secondary schools under and over 20 years of age respectively

The following illustrates how the Grant for School Renewal would be calculated for a hypothetical board where the:

- average daily enrolment is:
  - 15,000 pupils in the elementary panel;
  - 6,000 pupils in the secondary panel;
  - 4,000 adults in credit courses provided during the day;

- schools more than 20 years of age in September 1998 account for:
  - 66.7 percent of the area of the board's elementary schools; and
  - 85 percent of the board's secondary schools

- supplementary area factor is:
  - 1.000 in the elementary panel; and
  - 1.028 in the secondary panel

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Grant for School Renewal =

(15,000 x 100 x 1.000 x ((.333 x $0.64) + (.667 x $0.96)) +
(6,000 x 130 x 1.028 x ((.150 x $0.64) + (.850 x $0.96)) +
(4,000 x 100 x 1.028 x ((.150 x $0.64) + (.850 x $0.96))

= (15,000 x 100.00 x $0.85) + (6,000 x 133.64 x $0.91) + (4,000 x 102.80 x $0.91)

= $1,275,000 + $729,674 + $374,192

= $2,378,866

Top up funding is calculated on a school by school basis (See Appendix B). If the calculation were to result in Top up funding of $500,000 in the Elementary Panel and $800,000 in the Secondary Panel, then the Total Grant for School Renewal would be:

$2,378,866 + $500,000 + $800,000 = $3,678,866

The Grant for School Renewal is to be deposited into the board's Pupil Accommodation Reserve fund and used for projects according to a board's own priorities. Boards are encouraged to take into account cost implications over the life cycle of their schools in making decisions regarding the use of funds in the Pupil Accommodation Reserve. Funds remaining in the board's Pupil Accommodation Reserve are to be carried forward for use in future years.

Grant for School Operation

All boards receive Grants for School Operation. These grants are calculated separately for the traditional elementary and secondary school panels and for adult education using the following formula:

Grant for School Operation	=	Enrolment	X	Benchmark Area Requirement per Pupil	X	Supplementary School Area Factor	X	Benchmark Operating Cost per Sq. Ft.

+

Top Up Funding for School Operation*

*Top Up Funding is available for schools that are offering a regular day school program (exclusive of adult day school) and that are operating at less than full capacity.

The components used to determine Grants for School Operation are defined in Table 3.

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TABLE 3

Grant for School Operation	Elementary Panel	Secondary Panel	Adult Education
Enrolment	ay School Average Daily Enrolment" of pupils enrolled in Junior Kindergarten, Kindergarten and Grades 1 through 8	"Day School Average Daily Enrolment" of pupils enrolled in Grades 9 through OAC, excluding students 21 years of age or older	"Day School Average Daily Enrolment" of students 21 years of age or older plus the "Average Daily Enrolment" of students enrolled in Continuing Education credit courses during the day (excluding pupils enrolled in correspondence self study programs, and including students in Secondary Summer School programs)
Benchmark Area Requirement per Pupil	100 square feet (9.29 m^2)	130 square feet (12.07 m^2)	*100 square feet (9.29 m^2)* • *lower than the traditional secondary school panel because no additional space is required for special needs programs*
Supplementary School Area Factor	Board specific factor that reflects the area per pupil place of a board's elementary schools. It therefore takes into account unique design features (i.e., wide hallways, workshop space, etc.) as well as the additional space requirement associated with special needs programming	Board specific factor reflects the area per pupil place of a board's secondary schools. It therefore takes into account unique design features (i.e., wide hallways, workshop space, etc.) as well as the additional space requirement associated with special needs programming	Same as the Secondary Panel as most Adult Education programming is developed in secondary schools
Benchmark Operating Cost per Square Foot	$5.20 per square foot ($55.97/m^2)	$5.20 per square foot ($55.97/m^2)	*$5.20 per square foot ($55.97/m^2)*

The following illustrates how the Grant for School Operation would be calculated for a hypothetical board where the:

- average daily enrolment is:
  - 15,000 pupils in the elementary panel;
  - 6,000 pupils in the secondary panel;
  - 4,000 adults in credit courses provided during the day; and

- supplementary area factor is:
  - 1.000 in the elementary panel; and
  - 1.028 in the secondary panel

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Grant for School Operation =

(15,000 x 100 x 1.000 x $5.20) + (6,000 x 130 x 1.028 x $5.20) + (4,000 x 100 x 1.028 x $5.20)

= (15,000 x 100.00 x $5.20) + (6,000 x 133.64 x $5.20) + (4,000 x 102.80 x $5.20)

= $7,800,000 + $4,169,568 + $2,138,240

= $14,107,808

Top up funding is calculated on a school by school basis (See Appendix B). If the calculation were to result in Top up funding of $1,500,000 in the Elementary Panel and $2,800,000 in the Secondary Panel, then the Total Grant for School Operation would be:

($14,107,808 + 1,500,000 +2,800,000)

= $18,407,808

This grant is to be used to heat, light, clean and undertake ongoing maintenance of schools. Savings achieved from this grant may be used according to the board's priorities (e.g. augmenting the pupil accommodation reserve; purchasing classroom computers; or purchasing textbooks, software, and other learning materials).

Accountability Framework

On January 7, 2000, the Ministry provided information about the specific reporting requirements of the Accountability Framework for Pupil Accommodation for implementation by school boards. This framework is comprised of four key components:

- an electronic school facilities inventory system to compile key data elements regarding each school;
- a long term plan to identify issues related to pupil accommodation that boards expect to face and strategies for dealing with those issues;
- an annual reporting cycle for school operations and renewal to assess operational performance and monitor improvements to the facilities. These reports will provide information on:
  - the condition of buildings;
  - service quality as perceived by the users; and
  - expenditures made to operate, maintain and renovate schools.
- a report for each new school construction project which provides key information regarding project design, schedule, construction costs and financing.

Details are provided in the document entitled "Accountability Framework for Pupil Accommodation – Reporting Requirements (December 1999)". A copy of this document is available from the Ministry's file transfer web site at : ftp://ftp.edu.gov.on.ca/sfis/af/.
It is also available in the Instruction Guide on the Ministry's School Facilities Inventory System (SFIS) Website at: http://sfis.edu.gov.on.ca/

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Appendix A
Supplementary School Area Factors - Elementary Schools

District School Board	Capacity of Opened Elementary Schools	Gross Floor Area (GFA) of Opened Elementary Schools (m²)	Area per Pupil Place in Elementary Schools (m²)	Area per Pupil Place compared with Benchmark (9.29 m² or 100 sq.ft.)	Supplementary Elementary School Area Factor
Algoma District School Board	12,546	97,774	7.79	83.9%	1.000
Algonquin and Lakeshore Catholic District School Board	7,941	81,193	10.23	110.1%	1.101
Avon Maitland District School Board	15,092	126,825	8.40	90.5%	1.000
Bluewater District School Board	16,505	141,511	8.57	92.3%	1.000
Brant Haldimand Norfolk Catholic District School Board	6,585	58,355	8.86	95.4%	1.000
Bruce-Grey Catholic District School Board	2,725	26,519	9.73	104.8%	1.048
Conseil scolaire de district 59	5,715	55,566	9.72	104.7%	1.047
Conseil scolaire de district catholique Centre-Sud	10,320	106,248	10.30	110.8%	1.108
Conseil scolaire de district catholique de l'Est ontarien	12,649	108,157	8.55	92.0%	1.000
Conseil scolaire de district catholique des Aurores boréales	880	8,197	9.32	100.3%	1.003
Conseil scolaire de district catholique des Grandes Rivières	10,642	93,722	8.81	94.8%	1.000
Conseil scolaire de district catholique du Centre-Est de l'Ontario	13,216	134,865	10.21	109.8%	1.098
Conseil scolaire de district catholique du Nouvel-Ontario	10,634	90,569	8.52	91.7%	1.000
Conseil scolaire de district catholique Franco-Nord	4,150	44,389	10.70	115.1%	1.151
Conseil scolaire de district des écoles catholiques du Sud-Ouest	6,324	56,754	8.97	96.6%	1.000
Conseil scolaire de district du Centre Sud-Ouest	7,425	76,435	10.29	110.8%	1.108
Conseil scolaire de district du Grand Nord de l'Ontario	1,459	12,080	8.28	89.2%	1.000
Conseil scolaire de district du Nord-Est de l'Ontario	982	7,523	7.67	82.5%	1.000
District School Board of Niagara	34,572	325,209	9.41	101.3%	1.013
District School Board Ontario North East	8,982	90,616	10.09	108.6%	1.086
Dufferin Peel Catholic District School Board	35,182	367,945	10.46	112.6%	1.161
Durham Catholic District School Board	13,068	129,463	9.91	106.6%	1.066
Durham District School Board	30,363	302,590	9.97	107.3%	1.073
Eastern Ontario Catholic District School Board	9,327	79,582	8.53	91.9%	1.000
Grand Erie District School Board	19,544	177,176	9.07	97.6%	1.000
Greater Essex County District School Board	24,006	226,299	9.43	101.5%	1.015
Halton Catholic District School Board	12,412	114,525	9.23	99.3%	1.000
Halton District School Board	27,349	249,942	9.14	98.4%	1.000
Hamilton-Wentworth Catholic District School Board	20,815	192,588	9.25	99.6%	1.000
Hamilton-Wentworth District School Board	41,621	406,328	9.76	105.1%	1.051
Hastings and Prince Edward District School Board	13,684	121,996	8.92	96.0%	1.000
Huron-Perth Catholic District School Board	3,107	26,475	8.52	91.7%	1.000
Huron-Superior Catholic District School Board	7,548	52,222	6.92	74.5%	1.000
Kawartha Pine Ridge District School Board	24,354	224,769	9.23	99.3%	1.000
Keewatin-Patricia District School Board	5,437	41,773	7.68	82.7%	1.000
Kenora Catholic District School Board	1,120	9,422	8.42	90.6%	1.000
Lakehead District School Board	10,574	100,713	9.53	102.5%	1.025
Lambton Kent District School Board	21,498	172,190	8.01	86.2%	1.000
Limestone District School Board	15,475	139,781	9.03	97.2%	1.000
London Catholic District School Board	13,491	122,376	9.07	97.6%	1.000
Near North District School Board	10,311	90,506	8.78	94.5%	1.000
Niagara Catholic District School Board	16,072	132,471	8.24	88.7%	1.000
Nipissing-Parry Sound Catholic District School Board	3,331	33,729	10.13	109.0%	1.090
Northeastern Catholic District School Board	3,244	30,589	9.43	101.5%	1.015
Northwest Catholic District School Board	1,474	12,402	8.41	90.6%	1.000
Ottawa-Carleton Catholic District School Board	25,194	249,861	9.92	106.8%	1.068
Ottawa-Carleton District School Board	48,388	518,279	10.71	115.3%	1.153
Peel District School Board	56,579	552,841	9.77	105.2%	1.093
Peterborough Victoria Northumberland & Clarington Catholic DSB	8,140	80,022	9.83	105.8%	1.058
Rainbow District School Board	12,428	112,691	9.07	97.6%	1.000
Rainy River District School Board	2,623	24,237	9.24	99.5%	1.000
Renfrew County Catholic District School Board	5,098	46,214	9.07	97.6%	1.000
Renfrew County District School Board	9,659	87,473	9.06	97.5%	1.000
Simcoe County District School Board	30,697	270,188	8.80	94.7%	1.000
Simcoe Muskoka Catholic District School Board	11,263	103,009	9.15	98.4%	1.000
St. Clair Catholic District School Board	10,115	89,852	8.88	95.6%	1.000
Sudbury Catholic District School Board	7,704	69,201	8.98	96.7%	1.000
Superior-Greenstone District School Board	2,888	24,858	8.61	92.7%	1.000
Superior North Catholic District School Board	2,085	16,633	7.98	85.9%	1.000
Thames Valley District School Board	55,637	515,522	9.27	99.7%	1.000
Thunder Bay Catholic District School Board	5,959	48,551	8.15	87.7%	1.000
Toronto Catholic District School Board	69,898	641,640	9.18	98.8%	1.000
Toronto District School Board	215,812	2,407,540	11.16	120.1%	1.201
Trillium Lakelands District School Board	14,573	127,817	8.77	94.4%	1.000
Upper Canada District School Board	23,245	210,572	9.06	97.5%	1.000
Upper Grand District School Board	18,804	169,177	9.00	96.8%	1.000
Waterloo Catholic District School Board	14,413	118,018	8.19	88.1%	1.000
Waterloo Region District School Board	32,747	311,266	9.51	102.3%	1.023
Wellington Catholic District School Board	4,396	40,649	9.25	99.5%	1.000
Windsor-Essex Catholic District School Board	17,746	136,328	7.68	82.7%	1.000
York Catholic District School Board	26,171	251,647	9.62	103.5%	1.089
York Region District School Board	44,617	439,794	9.86	106.1%	1.076
Total	**1,350,612**	**12,964,240**	**9.60**	**103.3%**	
Benchmark			**9.29**		

Note:
1. Based on data in the School Facilities Inventory System as at May 2001.
2. Supplementary elementary school area factors reflect the greater of elementary area per pupil place compared with the elementary area benchmarks or 98% of supplementary elementary school area factors for 2000-01.

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Appendix A
Supplementary School Area Factors: Secondary Schools; Adult Education, Continuing Education and Summer School

District School Board	Capacity of Opened Secondary Schools	Gross Floor Area (GFA) of Opened Secondary Schools (m^2)	Area per Pupil Place in Secondary Schools (m^2)	Area per Pupil Place compared with Benchmark (12.07 m^2 or 130 sq.ft.)	Supplementary Secondary School Area Factor
Algoma District School Board	8,994	112,729	12.53	103.8%	1.038
Algonquin and Lakeshore Catholic District School Board	3,537	48,075	13.59	112.6%	1.126
Avon Maitland District School Board	8,778	122,229	13.92	115.4%	1.154
Bluewater District School Board	8,598	113,201	13.17	109.1%	1.091
Brant Haldimand Norfolk Catholic District School Board	1,641	29,728	18.12	150.1%	1.501
Bruce-Grey Catholic District School Board	1,206	15,082	12.51	103.6%	1.036
Conseil scolaire de district 59	3,401	51,487	15.14	125.4%	1.254
Conseil scolaire de district catholique Centre-Sud	3,113	42,994	13.81	114.4%	1.144
Conseil scolaire de district catholique de l'Est ontarien	5,511	65,348	11.86	98.2%	1.000
Conseil scolaire de district catholique des Aurores boréales	42	667	15.88	131.6%	1.316
Conseil scolaire de district catholique des Grandes Rivières	4,233	61,526	14.53	120.4%	1.204
Conseil scolaire de district catholique du Centre-Est de l'Ontario	4,442	62,640	14.10	116.8%	1.233
Conseil scolaire de district catholique du Nouvel-Ontario	2,610	33,604	12.88	106.7%	1.067
Conseil scolaire de district catholique Franco-Nord	2,142	29,243	13.65	113.1%	1.131
Conseil scolaire de district des écoles catholiques du Sud-Ouest	1,728	30,755	17.80	147.5%	1.475
Conseil scolaire de district du Centre Sud-Ouest	3,591	55,478	15.45	128.0%	1.280
Conseil scolaire de district du Grand Nord de l'Ontario	2,805	42,880	15.29	126.7%	1.267
Conseil scolaire de district du Nord-Est de l'Ontario	439	4,671	10.64	88.1%	1.000
District School Board of Niagara	20,034	261,530	13.05	108.2%	1.095
District School Board Ontario North East	6,646	101,144	15.22	126.1%	1.261
Dufferin Peel Catholic District School Board	15,774	218,461	13.85	114.7%	1.147
Durham Catholic District School Board	4,542	57,142	12.58	104.2%	1.098
Durham District School Board	17,427	233,413	13.39	111.0%	1.110
Eastern Ontario Catholic District School Board	2,859	38,059	13.31	110.3%	1.103
Grand Erie District School Board	13,704	182,317	13.30	110.2%	1.102
Greater Essex County District School Board	15,078	205,862	13.65	113.1%	1.131
Halton Catholic District School Board	5,106	70,818	13.87	114.9%	1.171
Halton District School Board	17,967	229,414	12.77	105.8%	1.058
Hamilton-Wentworth Catholic District School Board	6,573	98,329	14.96	123.9%	1.239
Hamilton-Wentworth District School Board	21,549	286,773	13.31	110.3%	1.103
Hastings and Prince Edward District School Board	8,001	111,571	13.94	115.5%	1.165
Huron-Perth Catholic District School Board	1,029	14,303	13.90	115.2%	1.152
Huron-Superior Catholic District School Board	2,166	29,923	13.81	114.5%	1.145
Kawartha Pine Ridge District School Board	13,989	185,712	13.28	110.0%	1.100
Keewatin-Patricia District School Board	3,597	42,530	11.82	98.0%	1.000
Kenora Catholic District School Board	282	3,320	11.77	97.5%	1.000
Lakehead District School Board	5,787	77,495	13.39	110.9%	1.109
Lambton Kent District School Board	12,876	174,589	13.56	112.3%	1.123
Limestone District School Board	8,796	139,543	15.86	131.4%	1.314
London Catholic District School Board	5,088	71,218	14.00	116.0%	1.173
Near North District School Board	6,264	79,463	12.69	105.1%	1.051
Niagara Catholic District School Board	5,631	81,375	14.45	119.7%	1.197
Nipissing-Parry Sound Catholic District School Board	1,299	20,959	16.13	133.7%	1.397
Northeastern Catholic District School Board	429	7,253	16.91	140.1%	1.413
Northwest Catholic District School Board	0	0	0.00	0.0%	1.000
Ottawa-Carleton Catholic District School Board	8,606	137,905	16.03	132.8%	1.328
Ottawa-Carleton District School Board	28,416	424,291	14.93	123.7%	1.237
Peel District School Board	30,063	419,336	13.95	115.6%	1.168
Peterborough Victoria Northumberland & Clarington Catholic DSB	2,901	47,303	16.31	135.1%	1.351
Rainbow District School Board	10,047	137,535	13.69	113.4%	1.134
Rainy River District School Board	2,871	36,302	12.64	104.8%	1.048
Renfrew County Catholic District School Board	1,050	15,668	14.92	123.6%	1.236
Renfrew County District School Board	6,611	89,952	13.61	112.7%	1.127
Simcoe County District School Board	14,952	198,048	13.25	109.7%	1.097
Simcoe Muskoka Catholic District School Board	4,005	60,645	15.14	125.5%	1.255
St. Clair Catholic District School Board	3,231	43,121	13.35	110.6%	1.156
Sudbury Catholic District School Board	2,457	35,334	14.38	119.1%	1.191
Superior-Greenstone District School Board	2,550	34,671	13.60	112.6%	1.126
Superior North Catholic District School Board	0	0	0.00	0.0%	1.000
Thames Valley District School Board	32,367	411,410	12.71	105.3%	1.053
Thunder Bay Catholic District School Board	2,145	30,551	14.24	118.0%	1.180
Toronto Catholic District School Board	25,799	373,363	14.47	119.9%	1.199
Toronto District School Board	109,069	1,657,848	15.20	125.9%	1.259
Trillium Lakelands District School Board	6,423	86,826	13.52	112.0%	1.120
Upper Canada District School Board	15,048	217,639	14.46	119.8%	1.198
Upper Grand District School Board	10,188	130,975	12.86	106.5%	1.065
Waterloo Catholic District School Board	5,901	84,623	14.34	118.8%	1.188
Waterloo Region District School Board	17,847	240,292	13.46	111.5%	1.115
Wellington Catholic District School Board	1,765	24,161	13.69	113.4%	1.147
Windsor-Essex Catholic District School Board	8,484	108,394	12.78	105.9%	1.059
York Catholic District School Board	10,347	142,469	13.77	114.1%	1.141
York Region District School Board	22,170	297,037	13.40	111.0%	1.110
Total	**674,616**	**9,430,549**	**13.98**	**115.8%**	
Benchmark			**12.07**		

Note:
1. Based on data in the School Facilities Inventory System as at May 2001.
2. Supplementary secondary school area factors reflect the greater of secondary area per pupil place compared with the secondary area benchmarks or 98% of supplementary secondary school area factors for 2000-01.

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Appendix B - Calculation of Top-Up Funding for School Operation and School Renewal for a Number of Hypothetical Examples

	Capacity	Enrolment (A.D.E.)	Supplementary School Area Factor	Grant for School Operations per Pupil	Adjusted Grant for School Operations based on Enrolment	Operations Component of Small Schools Grant	Total Revenue Available for School Operations based on Enrolment	Adjusted Grant for School Operations based on Capacity	Maximum Top Up for School Operations (Equivalent to Funding Generated by Enrolment Equal to 20% of Capacity)	Difference between Revenues for School Operations based on Capacity and on Enrolment (Zero, if Negative)	Additional Funding for School Operations (i.e. the Lesser of the Maximum Top Up for School Operations and the Difference between Revenues for School Operations based on Capacity and Enrolment
Example 1e	100	105	1.0000	$520	$54,600	$0	$54,600	$52,000	$10,400	$0	**$0**
Example 2e	100	82	1.0000	$520	$42,640	$0	$42,640	$52,000	$10,400	$9,360	**$9,360**
Example 3e	100	62	1.0000	$520	$32,240	$0	$32,240	$52,000	$10,400	$19,760	**$10,400**
Example 4e	100	105	1.0000	$520	$54,600	$15,000	$69,600	$52,000	$10,400	$0	**$0**
Example 5e	100	82	1.0000	$520	$42,640	$15,000	$57,640	$52,000	$10,400	$0	**$0**
Example 6e	100	62	1.0000	$520	$32,240	$15,000	$47,240	$52,000	$10,400	$4,760	**$4,760**
Example 7e	100	42	1.0000	$520	$21,840	$15,000	$36,840	$52,000	$10,400	$15,160	**$10,400**
Example 1s	100	105	1.0200	$676	$72,400	$0	$72,400	$68,952	$13,790	$0	**$0**
Example 2s	100	82	1.0200	$676	$56,541	$0	$56,541	$68,952	$13,790	$12,411	**$12,411**
Example 3s	100	62	1.0200	$676	$42,750	$0	$42,750	$68,952	$13,790	$26,202	**$13,790**
Example 4s	100	105	1.0200	$676	$72,400	$15,000	$87,400	$68,952	$13,790	$0	**$0**
Example 5s	100	82	1.0200	$676	$56,541	$15,000	$71,541	$68,952	$13,790	$0	**$0**
Example 6s	100	62	1.0200	$676	$42,750	$15,000	$57,750	$68,952	$13,790	$11,202	**$11,202**
Example 7s	100	42	1.0200	$676	$28,960	$15,000	$43,960	$68,952	$13,790	$24,992	**$13,790**

	Capacity	Enrolment (A.D.E.)		Grant for School Renewal per Pupil *			Adjusted Grant for School Renewal based on Enrolment	Adjusted Grant for School Renewal based on Capacity	Maximum Top Up for School Renewal (Equivalent to Funding Generated by Enrolment Equal to 20% of Capacity)	Difference between Revenues for School Operations based on Capacity and on Enrolment (Zero, if Negative)	Additional Funding for School Operations (i.e. the Lesser of the Maximum Top Up for School Renewal and the Difference between Grant for School Renewal based on Capacity
Example 1e	100	105	1.0000	$89.60			$9,408	$8,960	$1,792	$0	**$0**
Example 2e	100	82	1.0000	$89.60			$7,347	$8,960	$1,792	$1,613	**$1,613**
Example 3e	100	62	1.0000	$89.60			$5,555	$8,960	$1,792	$3,405	**$1,792**
Example 1s	100	105	1.0200	$116.48			$12,475	$11,881	$2,376	$0	**$0**
Example 2s	100	82	1.0200	$116.48			$9,742	$11,881	$2,376	$2,139	**$2,139**
Example 3s	100	62	1.0200	$116.48			$7,366	$11,881	$2,376	$4,515	**$2,376**

* -- Assumes that 80 percent of the board's schools are more than 20 years old.

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APPENDIX C

GEOGRAPHIC ADJUSTMENT FACTORS TO BE USED TO DETERMINE GRANTS FOR NEW PUPIL PLACES

District School Boards	Geographic Adjustment Factor
Algoma District School Board (2)	1.1060
Algonquin and Lakeshore Catholic District School Board (55)	1.0320
Avon Maitland District School Board (8)	1.0100
Bluewater District School Board (7)	1.0070
Brant Haldimand Norfolk Catholic District School Board (51)	1.0000
Bruce-Grey Catholic District School Board (35)	1.0070
Conseil de district des écoles catholiques de l'est Ontarien (65)	1.0000
Conseil scolaire catholique de district centre-est (66)	1.0000
Conseil scolaire de district 59	1.0000
Conseil scolaire de district catholique Centre-Sud (64)	1.0000
Conseil scolaire de district catholique des Aurores boréales (62)	1.1000
Conseil scolaire de district catholique du Nouvel-Ontario (61)	1.1180
Conseil scolaire de district catholique Franco-Nord (60B)	1.0430
Conseil scolaire de district des écoles catholiques du Sud-Ouest (63)	1.0000
Conseil scolaire de district du Centre Sud-Ouest (58)	1.0000
Conseil scolaire de district du Grand Nord de l'Ontario (57)	1.1160
Conseil scolaire de district du Nord-Est de l'Ontario (56)	1.1100
District School Board of Niagara (22)	1.0000
District School Board Ontario North East (1)	1.1200
Dufferin Peel Catholic District School Board (43)	1.0000
Durham Catholic District School Board (45)	1.0000
Durham District School Board (13)	1.0000
Eastern Ontario Catholic District School Board (52)	1.0000
Grand Erie District School Board (23)	1.0000
Greater Essex County District School Board (9)	1.0000
Halton Catholic District School Board (46)	1.0000
Halton District School Board (20)	1.0000
Hamilton-Wentworth Catholic District School Board (47)	1.0000
Hamilton-Wentworth District School Board (21)	1.0000
Hastings and Prince Edward District School Board (29)	1.0250
Huron-Perth Catholic District School Board (36)	1.0110
Huron-Superior Catholic District School Board (31)	1.1040
Kawartha Pine Ridge District School Board (14)	1.0030
Keewatin-Patricia District School Board (5A)	1.1440
Kenora Catholic District School Board (33B)	1.1430
Lakehead District School Board (6A)	1.0800
Lambton Kent District School Board (10)	1.0000
Le conseil catholique de district des Grandes Rivières (60A)	1.1230
Limestone District School Board (27)	1.0150
London Catholic District School Board (38)	1.0000
Near North District School Board (4)	1.0420
Niagara Catholic District School Board (50)	1.0000
Nipissing-Parry Sound Catholic District School Board (30B)	1.0420
Northeastern Catholic District School Board (30A)	1.1230
Northwest Catholic District School Board (33A)	1.1490
Ottawa-Carleton Catholic District School Board (53)	1.0000
Ottawa-Carleton District School Board (25)	1.0000
Peel District School Board (19)	1.0000
Peterborough Victoria Northumberland & Clarington Catholic DSB (41)	1.0030
Rainbow District School Board (3)	1.0630
Rainy River District School Board (5B)	1.1420
Renfrew County Catholic District School Board (54)	1.0000
Renfrew County District School Board (28)	1.0000
Simcoe County District School Board (17)	1.0000
Simcoe Muskoka Catholic District School Board (44)	1.0000
St. Clair Catholic District School Board (39)	1.0000
Sudbury Catholic District School Board (32)	1.0480
Superior-Greenstone District School Board (6B)	1.1410
Superior North Catholic District School Board (34B)	1.1460
Thames Valley District School Board (11)	1.0000
Thunder Bay Catholic District School Board (34A)	1.0740
Toronto Catholic District School Board (40)	1.0000
Toronto District School Board (12)	1.0000
Trillium Lakelands District School Board (15)	1.0260
Upper Canada District School Board (26)	1.0000
Upper Grand District School Board (18)	1.0000
Waterloo Catholic District School Board (49)	1.0000
Waterloo Region District School Board (24)	1.0000
Wellington Catholic District School Board (48)	1.0000
Windsor-Essex Catholic District School Board (37)	1.0000
York Catholic District School Board (42)	1.0000
York Region District School Board (16)	1.0000

*The Geographic Adjustment Factor is based on the distance component of the "Remote and Rural Boards Grant"

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APPENDIX D

Disposition of Real Property

Ontario Regulation 444/98 governs the disposition of surplus real property. Since its introduction, it has been amended by a separate regulation to give school boards the flexibility to close schools annually. A complete copy of Ontario Regulation 4444/98, as amended, is attached as part of this appendix.

Boards are responsible for determining whether a school is surplus and whether surplus property should be leased or sold. Each board is to have in place a school closure policy. The policy is to contain the following elements:

1. procedures which will be applied to identify when and how a school will be considered for consolidation;
2. procedures which will be used to enable citizens who may be concerned over the general social and economic effects on the community to make their views known to the board before any decision to consolidate a school;
3. the establishment of a minimum time period between the identification of a school as a candidate for consolidation and the final decision of the board;
4. Requirement for the presentation to the board in public session, of the following reports:
   a. the effects of consolidation on community activities of a social, educational, cultural, or recreational nature which takes place on the school premises;
   b. the effects of consolidation of a specific school on the following:
      - the attendance area defined for that school;
      - attendance at other schools;
      - the need and extent of busing;
   c. a report and analysis of the implications for the program for students both in the school under consideration for consolidation and in the school(s) where programs may be affected by the school being consolidated;
   d. a report on the financial effects of consolidating or not consolidating the school, including any capital implications;
   e. a report indicating the possible alternative use or disposition of the school, if it is consolidated.

The capacity of surplus schools offered at no charge to co-terminous school boards and the Ontario Realty Corporation (ORC) by December 31 of each year and closed before the beginning of the following academic year will be removed from the board's inventory of schools in the calculation of Pupil Accommodation Grants for that following academic year. To effect this change, the Ministry of Education requires a copy of the letter sent to coterminous boards and the ORC clearly indicating that the school is being offered at no charge.

Written responses to such offers from coterminous boards should be requested, but are not essential. If a board does not respond within the 90 day period specified in the regulation, the offering board may interpret this to be a refusal of the property. **A written response from the ORC, however, is required for all offers**. If the ORC has not formally responded within 90 days, boards are to notify the Business Services Branch of the Ministry of Education for appropriate follow-up action.

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If a board accepts a school from another board at no cost, it is to notify the Business Services Branch of the Ministry in writing. The facility that is acquired will be included in the board's inventory in the calculation of Pupil Accommodation Grants for the following academic year. For example, if a board acquired a school that had been offered at no cost by another board during 2000, generally, the rated capacity would be included in the inventory of the recipient board in the calculation of Grants for New Pupil Places in 2001-02. Beginning in 2001-2002 however, boards that acquire a facility that has been offered at no cost by another board under the requirements of Ontario Regulation 444/98 will have the lesser of the enrolment and the capacity of the facility recognized as the capacity of the facility in the calculation of Grants for New Pupil Places provided that the following criteria are met:

- The board has indicated its unconditional desire to accept the school at no cost from the offering board per Ontario Regulation 444/98; and

- The board acquiring a facility at no cost has notified the Ministry of Education, in writing, within thirty days of having expressed an interest in acquiring the facility to the board that offered the facility at no cost. Such notification must demonstrate, to the satisfaction of the Ministry, the following:
  - the acquisition is consistent with the board's long term accommodation plan;
  - the acquisition benefits students of the board (i.e., through improved facilities; reduced transportation needs, etc.);
  - the acquisition results in more effective use of existing public assets; and
  - the acquisition reduces the need for the board to construct new school facilities in its jurisdiction.

The capacity of the school acquired by December 31 of any year will be added to the inventory used to calculate Grants for New Pupil Places in the following academic year. The capacity figure will be the lesser of actual enrolment levels (as measured in terms of Average Daily Enrolment) and the rated capacity for the facility . This "floating" capacity, which will apply only for purposes of calculating Grants for New Pupil Places, will remain in effect until such time as enrolment levels in the school reach the rated capacity level for the facility. After that time, the rated capacity for the facility will be used in the determination of the board's grants.

Capacity adjustments will also be made if documentation provided indicates that the schools are being sold in accordance with agreements developed with the Education Improvement Commission regarding the distribution of the assets and liabilities between the English and French components of the old board structure.

Boards will also have the option of selling schools which may be surplus to their needs at fair market value, except that the price for the property is not to exceed the value of the Ministry's Grants for New Pupil Places when the purchaser is a coterminous school board, or a Provincial School or publicly funded care and treatment facility offering programs leading to a diploma.

The proceeds from the sale are to be placed in a Pupil Accommodation Reserve. Regulation 446/98 regarding Reserve Funds governs the use of the proceeds of such transactions (see Appendix E).

Except for dispositions for purposes of provision of municipal hard services, dispositions of real property will be subject to a requirement that the property first be offered to other public sector bodies before it is offered on the open market. Regulation 444/98 specifies a priority order and processes to be followed.

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The Regulation also specifies processes which are to be followed in the event that there is a disagreement regarding the price of the property. Should no agreement be reached with any of the public sector bodies given priority, the board may then lease, sell or otherwise dispose of the property at fair market value to any other person or organization.

Prior to disposing of a property at fair market value to any other body or person not listed in Ontario Regulation 444/98, a board is required under Section 12 of the regulation to provide evidence satisfactory to the Minister that it had offered the property to the bodies listed in the regulation and that no offer was received by the board.

A letter from a senior member of the school board to the Director of the Business Services Branch of the Ministry of Education certifying the above to be true is to be forwarded prior to the board offering the property on the open market. The ministry's response to such a letter is required.

Boards are to inform the Business Services Branch of the Ministry of Education of any offers and acceptances resulting from sales at Fair Market Value in order that the information on the School Facilities Inventory System may be adjusted to reflect the transactions.

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This version of Ontario Regulation 444/98 is prepared for purposes of convenience only. The authoritative text is set out in the official volumes.

Education Act
ONTARIO REGULATION 444/98
Amended to O. Reg. 535/00

This is the English version of a bilingual regulation.

DISPOSITION OF SURPLUS REAL PROPERTY

PART 1
DISPOSITIONS FOR MUNICIPAL HARD SERVICES AND GRANTS OF EASEMENTS

1. (1) Subject to subsection (3), a board that has adopted a resolution under clause 194 (3) (a) of the Act that real property is not required for the purposes of the board may sell, lease or otherwise dispose of the property to a person referred to in subsection (2) if the purpose of that person in acquiring the property is to provide one or more of the services described in paragraphs 1 to 7 of subsection 5 (5) of the Development Charges Act, 1997. O. Reg. 444/98, s. 1 (1).

(2) The persons referred to in subsection (1) are:

1. The municipality in which the property is located.

2. Any local board of the municipality in which the property is located.

3. If the property is located in a county, in a regional municipality or in The District Municipality of Muskoka, that county, that regional municipality or The District Municipality of Muskoka, as the case may be.

4. If the property is located in a county, in a regional municipality or in The District Municipality of Muskoka, any local board of that county, of that regional municipality or of The District Municipality of Muskoka, as the case may be. O. Reg. 444/98, s. 1 (2).

(3) A sale, lease or other disposition under this section must be at fair market value. O. Reg. 444/98, s. 1 (3).

1.1 (1) A board may grant an easement over any of its real property if,

(a) it has adopted a resolution under clause 194 (3) (a) of the Act that it does not require for its purposes the interest that the easement would create;

(b) the grant of easement is for the consideration that the board considers reasonable; and

(c) the grant of easement does not have the effect of rendering any school site or part of a school site no longer suitable for providing pupil accommodation. O. Reg. 535/00, s. 2.

(2) In subsection (1),

"easement" means an easement, right-of-way, right or licence in the nature of an easement, profit à prendre or other incorporeal hereditament, but does not include such an easement arising by operation of law. O. Reg. 535/00, s. 2.

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PART II
OTHER DISPOSITIONS

Application

2. (1) This Part applies if,

(a) a board proposes to sell, lease or otherwise dispose of real property;

(b) the board has adopted a resolution under clause 194 (3) (a) of the Act that the property is not required for the purposes of the board; and

(c) the sale, lease or other disposition is not permitted under Part I. O. Reg. 444/98, s. 2 (1); O. Reg. 535/00, s. 3.

(2) If this Part applies, a board shall not sell, lease or otherwise dispose of property except after issuing a proposal in accordance with section 3 or 4, as the case may be, and except in accordance with this Part. O. Reg. 444/98, s. 2 (2).

(3) For the purposes of this Part, a building is considered to be last used for providing pupil accommodation even if, since it was last so used, it was used by the board primarily for storage or maintenance purposes. O. Reg. 444/98, s. 2 (3).

Bodies to Receive Proposals from District School Boards

3. (1) An English-language public district school board shall issue a proposal to sell, lease or otherwise dispose of the real property to each of the following bodies on the same day:

1. The French-language public district school board the area of jurisdiction of which includes the property.

2. The English-language separate district school board or Roman Catholic school authority the area of jurisdiction of which includes the property.

3. The French-language separate district school board the area of jurisdiction of which includes the property.

4. The board of a Protestant separate school the area of jurisdiction of which includes the property.

5. The English language college, within the meaning of Regulation 771 of the Revised Regulations of Ontario, 1990, for the area in which the property is located.

6. The French language college, within the meaning of Regulation 771 of the Revised Regulations of Ontario, 1990, for the area in which the property is located.

7. The university named in the Schedule the head office of which is nearest to the property.

8. The municipality in which the property is located.

9. If the property is located in a regional municipality, in The District Municipality of Muskoka or in the County of Oxford, that regional municipality, The District Municipality of Muskoka or the County of Oxford, as the case may be.

10. If the property is located in the geographical area within which a local services board may exercise its jurisdiction, the local services board.

11. The Crown in right of Ontario.

12. The Crown in right of Canada. O. Reg. 444/98, s. 3 (1).

(2) A French-language public district school board shall issue a proposal to sell, lease or otherwise dispose of the real property to each of the following bodies on the same day:

1. The English-language public district school board the area of jurisdiction of which includes the property.

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2. The French-language separate district school board or Roman Catholic school authority the area of jurisdiction of which includes the property.

3. The English-language separate district school board the area of jurisdiction of which includes the property.

4. The board of a Protestant separate school the area of jurisdiction of which includes the property.

5. The French language college, within the meaning of Regulation 771 of the Revised Regulations of Ontario, 1990, for the area in which the property is located.

6. The English language college, within the meaning of Regulation 771 of the Revised Regulations of Ontario, 1990, for the area in which the property is located.

7. The university named in the Schedule the head office of which is nearest to the property.

8. The municipality in which the property is located.

9. If the property is located in a regional municipality, in The District Municipality of Muskoka or in the County of Oxford, that regional municipality, The District Municipality of Muskoka or the County of Oxford, as the case may be.

10. If the property is located in the geographical area within which a local services board may exercise its jurisdiction, the local services board.

11. The Crown in right of Ontario.

12. The Crown in right of Canada. O. Reg. 444/98, s. 3 (2).

(3) An English-language separate district school board shall issue a proposal to sell, lease or otherwise dispose of the real property to each of the following bodies on the same day:

1. The French-language separate district school board the area of jurisdiction of which includes the property.

2. The English-language public district school board or the board of district school area the area of jurisdiction of which includes the property.

3. The French-language public district school board the area of jurisdiction of which includes the property.

4. The board of a Protestant separate school the area of jurisdiction of which includes the property.

5. The English language college, within the meaning of Regulation 771 of the Revised Regulations of Ontario, 1990, for the area in which the property is located.

6. The French language college, within the meaning of Regulation 771 of the Revised Regulations of Ontario, 1990, for the area in which the property is located.

7. The university named in the Schedule the head office of which is nearest to the property.

8. The municipality in which the property is located.

9. If the property is located in a regional municipality, in The District Municipality of Muskoka or in the County of Oxford, that regional municipality, The District Municipality of Muskoka or the County of Oxford, as the case may be.

10. If the property is located in the geographical area within which a local services board may exercise its jurisdiction, the local services board.

11. The Crown in right of Ontario.

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12. The Crown in right of Canada. O. Reg. 444/98, s. 3 (3).

(4) A French-language separate district school board shall issue a proposal to sell, lease or otherwise dispose of the real property to each of the following bodies on the same day:

1. The English-language separate district school board the area of jurisdiction of which includes the property.

2. The French-language public district school board or the board of a district school area the area of jurisdiction of which includes the property.

3. The English-language public district school board the area of jurisdiction of which includes the property.

4. The board of a Protestant separate school the area of jurisdiction of which includes the property.

5. The French language college, within the meaning of, Regulation 771 of the Revised Regulations of Ontario, 1990, for the area in which the property is located.

6. The English language college, within the meaning of Regulation 771 of the Revised Regulations of Ontario, 1990, for the area in which the property is located.

7. The university named in the Schedule the head office of which is nearest to the property.

8. The municipality in which the property is located.

9. If the property is located in a regional municipality, in The District Municipality of Muskoka or in the County of Oxford, that regional municipality, The District Municipality of Muskoka or the County of Oxford, as the case may be.

10. If the property is located in the geographical area within which a local services board may exercise its jurisdiction, the local services board.

11. The Crown in right of Ontario.

12. The Crown in right of Canada. O. Reg. 444/98, s. 3 (4).

(5) If a district school board issues a proposal to the bodies mentioned in subsection (1), (2), (3) or (4), the board may, on the same day, issue the proposal to the Ontario Realty Corporation continued under the Capital Investment Plan Act, 1993. O. Reg. 444/98, s. 3 (5); O. Reg. 57/99, s. 1.

(6) A body mentioned in paragraph 8 or 9 of subsection (1), (2), (3) or (4) to which a proposal is issued may refer the proposal to any of its local boards, not including a school board. O. Reg. 444/98, s. 3 (6).

(7) The Crown in right of Ontario may refer the proposal to any agency, board or commission of the Crown in right of Ontario. O. Reg. 444/98, s. 3 (7).

(8) The Crown in right of Canada may refer the proposal to any agency, board or commission of the Crown in right of Canada. O. Reg. 444/98, s. 3 (8).

Bodies to Receive Proposals from School Authorities

4. (1) A board of a district school area shall issue a proposal to sell, lease or otherwise dispose of the real property to each of the following bodies on the same day:

1. A board of a secondary school district established under section 67 of the Act the area of jurisdiction of which includes the property.

2. The English-language separate district school board or Roman Catholic school authority the area of jurisdiction of which includes the property.

3. The French-language separate district school board the area of jurisdiction of which includes the property.

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4. The English language college, within the meaning of Regulation 771 of the Revised Regulations of Ontario, 1990, for the area in which the property is located.

5. The French language college, within the meaning of Regulation 771 of the Revised Regulations of Ontario, 1990, for the area in which the property is located.

6. The university named in the Schedule the head office of which is nearest to the property.

7. The municipality in which the property is located.

8. If the property is located in a regional municipality, in The District Municipality of Muskoka or in the County of Oxford, that regional municipality, The District Municipality of Muskoka or the County of Oxford, as the case may be.

9. If the property is located in the geographical area within which a local services board may exercise its jurisdiction, the local services board.

10. The Crown in right of Ontario.

11. The Crown in right of Canada. O. Reg. 444/98, s. 4 (1); O. Reg. 535/00, s. 4 (1).

(2) A board of a secondary school district established under section 67 of the Act shall issue a proposal to sell, lease or otherwise dispose of the real property to each of the following bodies on the same day:

1. A board of a district school area the area of jurisdiction of which includes the property.

2. The Roman Catholic school authority the area of jurisdiction of which includes the property.

3. The English language college, within the meaning of Regulation 771 of the Revised Regulations of Ontario, 1990, for the area in which the property is located.

4. The French language college, within the meaning of Regulation 771 of the Revised Regulations of Ontario, 1990, for the area in which the property is located.

5. The university named in the Schedule the head office of which is nearest to the property.

6. The municipality in which the property is located.

7. If the property is located in the geographical area within which a local services board may exercise its jurisdiction, the local services board.

8. The Crown in right of Ontario.

9. The Crown in right of Canada. O. Reg. 444/98, s. 4 (2); O. Reg. 535/00, s. 4 (2).

(3) A Roman Catholic school authority shall issue a proposal to sell, lease or otherwise dispose of the real property to each of the following bodies on the same day:

1. A board of a secondary school district established under section 67 of the Act the area of jurisdiction of which includes the property.

2. The English-language public district school board or the board of a district school area the area of jurisdiction of which includes the property.

3. The French-language public district school board the area of jurisdiction of which includes the property.

4. The English language college, within the meaning of Regulation 771 of the Revised Regulations of Ontario, 1990, for the area in which the property is located.

5. The French language college, within the meaning of Regulation 771 of the Revised Regulations of Ontario, 1990, for the area in which the property is located.

6. The university named in the Schedule the head office of which is nearest to the property.

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7. The municipality in which the property is located.

8. If the property is located in a regional municipality, in The District Municipality of Muskoka or in the County of Oxford, that regional municipality, The District Municipality of Muskoka or the County of Oxford, as the case may be.

9. If the property is located in the geographical area within which a local services board may exercise its jurisdiction, the local services board.

10. The Crown in right of Ontario.

11. The Crown in right of Canada. O. Reg. 444/98, s. 4 (3); O. Reg. 535/00, s. 4 (3).

(4) A board of a Protestant separate school shall issue a proposal to sell, lease or otherwise dispose of the real property to each of the following bodies on the same day:

1. The English-language public district school board the area of jurisdiction of which includes the property.

2. The French-language public district school board the area of jurisdiction of which includes the property.

3. The English-language separate district school board the area of jurisdiction of which includes the property.
4. The French-language separate district school board the area of jurisdiction of which includes the property.

5. The English language college, within the meaning of Regulation 771 of the Revised Regulations of Ontario, 1990, for the area in which the property is located.

6. The French language college, within the meaning of Regulation 771 of the Revised Regulations of Ontario, 1990, for the area in which the property is located.

7. The university named in the Schedule the head office of which is nearest to the property.

8. The municipality in which the property is located.

9. The Crown in right of Ontario.

10. The Crown in right of Canada. O. Reg. 444/98, s. 4 (4).

(5) If a school authority issues a proposal to the bodies mentioned in subsection (1), (2), (3) or (4), the school authority may, on the same day, issue the proposal to the Ontario Realty Corporation continued under the Capital Investment Plan Act, 1993. O. Reg. 444/98, s. 4 (5); O. Reg. 57/99, s. 2.

(6) A body mentioned in paragraph 7 or 8 of subsection (1), paragraph 6 of subsection (2), paragraph 7 or 8 of subsection (3) or paragraph 8 of subsection (4) to which a proposal is issued may refer the proposal to any of its local boards, not including a school board. O. Reg. 444/98, s. 4 (6).

(7) The Crown in right of Ontario may refer the proposal to any agency, board or commission of the Crown in right of Ontario. O. Reg. 444/98, s. 4 (7).

(8) The Crown in right of Canada may refer the proposal to any agency, board or commission of the Crown in right of Canada. O. Reg. 444/98, s. 4 (8).

Proposals for Lease

5. A proposal for lease issued under section 3 or 4 must specify the term of the lease of the property. O. Reg. 444/98, s. 5.

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Offers

6. A body to which a board issued a proposal under section 3 or 4 or to which a proposal was referred under section 3 or 4 may make an offer to the board in response to the proposal. O. Reg. 444/98, s. 6.

7. Except as otherwise provided in sections 8 and 9, an offer under section 6 must be for sale, lease or other disposition of the property at fair market value. O. Reg. 444/98, s. 7.

8. (1) This section applies to an offer under section 6 for the sale or lease of property on which there is a building that is used or was last used for providing pupil accommodation, if,

(a) the body making the offer is a board; or

(b) the purpose of the body making the offer is to acquire the property in order to use the building to accommodate pupils in,

(i) an elementary school program or program leading to a secondary school diploma in a school established or continued under section 13 of the Act, or

(ii) an education program that, under the legislative grant regulations made under subsection 234 (1) of the Act, would be considered in determining a board's programs in facilities amount. O. Reg. 444/98, s. 8 (1).

(2) Subject to section 9, an offer to which this section applies must be for sale or lease at the lesser of fair market value and,

(a) in the case of property on which there is a building that is used or was last used for providing accommodation for elementary school pupils, an amount calculated in accordance with subsection (3); or

(b) in the case of property on which there is a building that is used or was last used for providing accommodation for secondary school pupils, an amount calculated in accordance with subsection (4). O. Reg. 444/98, s. 8 (2).

(3) The amount referred to in clause (2) (a) shall be calculated as follows:

1. Determine the elementary capacity of the property by applying the most recent loadings determined by the Minister for the purpose of pupil accommodation allocations under the legislative grant regulations made under subsection 234 (1) of the Act to those spaces in the property that are used or were last used for providing accommodation for elementary school pupils.

2. Multiply the capacity determined under paragraph 1 by 9.29 square metres.

3. Multiply the product obtained under paragraph 2 by,
   i. $1,259 per square metre, in the case of a proposal for sale, or

   ii. $118.40 per square metre, in the case of a proposal for lease. O. Reg. 444/98, s. 8 (3).

(4) The amount referred to in clause (2) (b) shall be calculated as follows:

1. Determine the secondary capacity of the property, by applying the most recent loadings determined by the Minister for the purpose of the pupil accommodation allocations under the legislative grant regulations made under subsection 234 (1) of the Act to those spaces in the property that are used or were last used for providing accommodation for secondary school pupils.

2. Multiply the capacity determined under paragraph 1 by 12.07 square metres.

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3. Multiply the product obtained under paragraph 2 by,

   i. $1,356 per square metre, in the case of a proposal for sale, or

   ii. $129.17 per square metre, in the case of a proposal for lease. O. Reg. 444/98, s. 8 (4).

9. (1) This section applies to an offer under section 6 for the sale of property on which there is a building that is used or was last used for providing pupil accommodation, if,

(a) the offer is made by a board and the proposal in respect of which the offer is made was issued under section 3 or 4; or

(b) the offer is made by the Ontario Realty Corporation and the proposal in respect of which the offer is made was issued under subsection 3 (5) or 4 (5). O. Reg. 444/98, s. 9 (1); O. Reg. 57/99, s. 3.

(2) An offer to which this section applies may, if the proposal in respect of which the offer is made so provides, be for sale at no cost. O. Reg. 444/98, s. 9 (2).

Acceptance of Offers

10. (1) A board shall not accept any offer to purchase, lease or otherwise acquire property in respect of which a proposal must be issued under section 3 or 4 before the expiration of 90 days after the day on which the board issued the proposal. O. Reg. 444/98, s. 10 (1).

(2) At the expiration of the 90-day period referred to in subsection (1), the only offer that the board may accept, subject to subsections (3) and (4), is an offer that,

(a) complies with section 7, 8 or 9, as the case may be; and

(b) is made by the body that, in accordance with subsection (5), has the highest priority among the bodies that made offers. O. Reg. 444/98, s. 10 (2).

(3) If the body that, in accordance with subsection (5), has the highest priority among the bodies that made offers and the board disagree on the fair market value of the property,

(a) they shall attempt, within 30 days of the 90-day period referred to in subsection (1), to negotiate the fair market value and the body shall amend its offer to reflect the agreed value;

(b) if they cannot agree under clause (a) on the fair market value, the body making the offer may, at or before the termination of the 30-day period referred to in clause (a),

   (i) withdraw its offer, or

   (ii) elect to have the fair market value determined through binding arbitration and shall amend its offer according to the fair market value determined by the arbitrator; and

(c) if no price is agreed to under clause (a) at the termination of the 30-day period referred to in clause (a) or the body withdraws its offer or does not elect binding arbitration under clause (b), the board may consider instead the offer made by the body that, in accordance with subsection (5), has the next highest priority and whose offer complies with clause (2) (a). O. Reg. 444/98, s. 10 (3).

(4) Subsection (3) applies to each subsequent offer that the board considers under clause (3) (c) except that the reference to the 90-day period shall be read as the day on which the board acts under clause (3) (c). O. Reg. 444/98, s. 10 (4).

(5) For the purposes of this section, priorities shall be determined in accordance with the following rules:

1. A body mentioned in a paragraph of subsection 3 (1), (2), (3) or (4) or 4 (1), (2), (3) or (4) has a higher priority than a body mentioned in a subsequent paragraph.

2. For the purpose of a proposal issued under subsection 3 (5) or 4 (5), the Ontario Realty Corporation has a lower priority than a board and a higher priority than a body that is not a board.

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3. A body that receives a referral from another body under subsection 3 (6), (7) or (8) or 4 (6), (7) or (8) shall be deemed to have the same priority as the body that made the referral.

4. If offers are made by two or more bodies that, under paragraph 3, have the same priority, priorities among those bodies shall be determined by the body that referred the proposal to them. O. Reg. 444/98, s. 10 (5).

11. (1) An agreement for the sale or lease of real property to which section 8 applies shall include a condition that if the body making the offer does not use the property to provide accommodation for pupils eligible to be included in the calculation of legislative grants for new pupil places for any period of 12 consecutive months within the 25 years after the sale or the commencement of the lease,

(a) in the case of a sale, the body shall offer the property for sale to the board from which it purchased the site or part at the price the board from which it was purchased sold it to the body, within the time specified in the agreement; and

(b) in the case of a lease, the lease is terminated on the day specified in the agreement. O. Reg. 444/98, s. 11 (1).

(2) An offer for the sale of property under clause (1) (a) or the resulting sale, or the termination of a lease under clause (1) (b), is not a closing of the school. O. Reg. 444/98, s. 11 (2).

(3) This section applies only where the calculated amount referred to in subsection 8 (2) is less than the fair market value of the property at the time of the issuance of the proposal. O. Reg. 444/98, s. 11 (3).

Disposition to Others after Proposal Process

12. (1) If a board does not receive an offer from a body to which a proposal is issued or referred under section 3 or 4 before the expiration of the 90-day period referred to in subsection 10 (1) that complies with section 7, 8 or 9, as the case may be, the board may, subject to subsections (2) and (3), sell, lease or otherwise dispose of the property at fair market value to any other body or to any person. O. Reg. 444/98, s. 12 (1).

(2) If the proposal referred to in subsection (1) is only for the lease of property, the board that issued the proposal may, under subsection (1), lease but not sell or otherwise dispose of the property, and the lease shall be for the term specified in the proposal. O. Reg. 444/98, s. 12 (2).

(3) A board shall not sell, lease or otherwise dispose of property under subsection (1) unless it provides written evidence satisfactory to the Minister that,

(a) it first issued a proposal of the sale or lease of the property to each body to which a proposal must be issued under section 3 or 4, as the case may be; and

(b) no offer was received by the board from a body to which the proposal was issued or referred under section 3 or 4 before the expiration of the 90-day period referred to in subsection 10 (1) that complies with section 7, 8 or 9, as the case may be. O. Reg. 444/98, s. 12 (3).

(4) For the purposes of subsections (1) and (3), the reference to compliance with section 7, 8 or 9 means as determined under subsections 10 (3) and (4) if those provisions were applied in the case of the offer. O. Reg. 444/98, s. 12 (4).

Miscellaneous

13. If a board does not sell, lease or otherwise dispose of real property in respect of which a proposal must be issued under section 3 or 4 within three years of the expiration of the 90-day period referred to in subsection 10 (1) and the board wishes to sell, lease or otherwise dispose of the property, the board shall issue another proposal under section 3 or 4, as the case may be. O. Reg. 444/98, s. 13.

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SCHEDULE

Brock University
Carleton University
Lakehead University
Laurentian University of Sudbury/Université Laurentienne de Sudbury
McMaster University
Nipissing University
Ontario College of Art
Queen's University at Kingston
Ryerson Polytechnic University
The University of Western Ontario
Trent University
University of Guelph
University of Ottawa/Université d'Ottawa
University of Toronto
University of Waterloo
University of Windsor
Wilfrid Laura University
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Appendix E

Pupil Accommodation Reserves

School boards are to place their Grants for School Renewal and New Pupil Places into a Pupil Accommodation Allocation Reserve Fund. The funds are to be used only for the purposes stated in Ontario Regulation 446/98 regarding Reserve Funds. Since its introduction, Ontario Regulation 446/98, has been amended by separate regulations on three occasions.[1] These amendments have been consolidated into Ontario Regulation 446/98, as amended, which is attached as part of this appendix.

A further amendment was made to Ontario Regulation 446/98 in March 2002 to reflect amendments made to section 10 of Ontario Regulation 20/98 regarding Education Development Charges. A copy of this amendment is also attached as part of this appendix.

Boards are also required to place all proceeds of sales, leases and other dispositions of real property into a Proceeds of Dispositions Reserve Fund. The funds are to be used only for the purposes stated and in the manner described in the Regulation.

Any board that sells, leases or disposes of real property that was previously acquired with funds withdrawn from an Education Development Charges account or reserve fund, and that was not previously used for pupil accommodation, are to place the proceeds from the sale into an Education Development Charge Reserve Fund as described in the Regulation.

Interest earned as a result of the investment of funds from any of these reserves is to be credited to the appropriate reserve.

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[1] Prior to 2002, Ontario Regulation 446/98 was amended as follows:

Year of Amendment	Purpose of Amendment to Ontario Regulation 446/98
2000	To provide boards with the ability to use funds in their Pupil Accommodation and Proceeds of Dispositions Reserve Funds to address improvements to school buildings or school property, and servicing issues associated with school property.
2001	To give boards the authority to use some of the funds in their Pupil Accommodation Reserve Fund to purchase equipment, supplies and services that board may require to comply with the standards under the Ontario Water Resources Act.
2001	To permit boards to use some of the funds in their Pupil Accommodation Reserve Fund to purchase sites if the site cost is not a growth-related net education land cost, within th meaning of Division E of Part IX of the *Education Act* regarding Education Development Charges.

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This version of Ontario Regulation 446/98 is prepared for purposes of convenience only. The authoritative text is set out in the official volumes.

ONTARIO REGULATION 446/98
Amended to O. Reg. 5/02

This is the English version of a bilingual regulation

RESERVE FUNDS

Pupil Accommodation Allocation Reserve Fund

1. Every district school board shall allocate all pupil accommodation allocations received under the legislative grant regulations made under subsection 234 (1) of the Act, except for allocations for school operations, to a reserve fund established only for the purposes of acquiring, by purchase, lease or otherwise,

(a) school sites that are acquired as part of transactions under which the board also acquires school buildings on the school sites;

(a.2) land described in paragraph 1 of subsection 257.53 (2) of the Act, but only for land acquired by the board when the board meets either of the conditions set out in paragraph 2 of section 10 of Ontario Regulation 20/98 (Education Development Charges - General) and only to the extent that the cost of the land is not a growth-related net education land cost within the meaning of Division E of Part IX of the Act;

(a.3) services described in paragraph 2 of subsection 257.53 (2) of the Act, but only for services relating to land acquired by the board when the board meets either of the conditions set out in paragraph 2 of section 10 of Ontario Regulation 20/98 (Education Development Charges - General) and only to the extent that the cost of the services is not a growth-related net education land cost within the meaning of Division E of Part IX of the Act;

(b) school buildings, fixtures of school buildings, fixtures of school properties, and additions, alterations, renovations or major repairs to school buildings, fixtures of school buildings or fixtures of school properties; furniture or equipment to be used in school buildings;

(d) library materials for the initial equipping of libraries in school buildings;

(e) installations on school properties to supply school buildings on the properties with water, sewer, septic, electrical, heating, cooling, natural gas, telephone or cable services, and alterations, replacements or major repairs to those installations;

(f) changes to the level, drainage or surface of school properties; and

(g) equipment, supplies and services the board requires in order to comply with the standards under the Ontario Water Resources Act for water treatment and water distribution systems to provide potable water. O. Reg. 446/98, s. 1; O. Reg. 163/00, s. 1; O. Reg. 156/01, s. 1; O. Reg. 5/02, s. 1.

Proceeds of Dispositions Reserve Fund

2. (1) Subject to subsection (3), every district school board shall allocate all proceeds of sales, leases and other dispositions of real property to a reserve fund established only for the purposes of,

a) acquiring, by purchase, lease or otherwise,

(i) school sites that provide or are capable of providing pupil accommodation, and additions or improvements to such school sites,

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(ii) school buildings, fixtures of school buildings, fixtures of school properties, and additions, alterations, renovations or major repairs to school buildings, fixtures of school buildings or fixtures of school properties,

(iii) furniture and equipment to be used in school buildings,

(iv) library materials for the initial equipping of libraries in school buildings,

(v) installations on school properties to supply school buildings on the properties with water, sewer, septic, electrical, heating, cooling, natural gas, telephone or cable services, and alterations, replacements or major repairs to those installations, and

(vi) changes to the level, drainage or surface of school properties; and

(b) subject to subsections (3) to (6), acquiring, by purchase, lease or otherwise, real property to be used by the board for board administration purposes, and additions, alterations, renovations or major repairs to real property used by the board for those purposes. O. Reg. 446/98, s. 2 (1); O. Reg. 163/00, s. 2.

(2) Subject to subsection (3), every district school board shall allocate all proceeds of property insurance on property of a kind referred to in clause (1) (a), whether or not the property was acquired with money from a reserve fund referred to in subsection (1), to a reserve fund established only for the purposes referred to in subsection (1). O. Reg. 446/98, s. 2 (2).

(3) Subsections (1) and (2) do not apply to,

(a) proceeds that are required by section 3 to be allocated to an education development charge account or education development charge reserve fund;

(b) proceeds that the board is required to pay to another board pursuant to an agreement approved by the Education Improvement Commission; or

(c) proceeds that the board is required to pay to the Crown in right of Canada pursuant to an agreement under subsection 188 (3) of the Act. O. Reg. 446/98, s. 2 (3).

(4) The amount that a district school board may use from the reserve fund referred to in subsection (1) for the purpose described in clause (1) (b) shall not exceed the total of the board's net proceeds from sales, leases and other dispositions of real property that, immediately before January 1, 1998, included buildings that were used by an old board for board administration purposes. O. Reg. 446/98, s. 2 (4).

(5) Subject to subsection (6), for the purpose of subsection (4), the net proceeds from a sale, lease or other disposition is equal to the proceeds from the sale, lease or other disposition, less the following amounts:

1. Expenses incurred for commissions, legal fees, appraisal fees, registration fees, and adjustments to tax and utility accounts in respect of the sale, lease or other disposition.

2. Any amount applied under subsection 9 (7) of Ontario Regulation 466/97 in respect of the sale, lease or other disposition. O. Reg. 446/98, s. 2 (5).

(6) For the purpose of subsection (4), if more than two hectares of land are included in property that is sold, leased or otherwise disposed of, the net proceeds from the sale, lease or other disposition shall be determined in accordance with the following formula:

$$A \times (B \div C)$$

where,

A = the net proceeds from the sale, lease or other disposition, determined in accordance with subsection (5),

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B = the fair market value, at the time of the sale, lease or other disposition, of a part of the property, not exceeding two hectares in area, that includes,

i. the land on which the buildings used by the old board for board administration purposes were situated, and

ii. any other part of the property that was required to permit those buildings to be used by the old board for board administration purposes,

C = the fair market value, at the time of the sale, lease or other disposition, of all the property. O. Reg. 446/98, s. 2 (6).

(7) A district school board shall not use funds from the reserve fund referred to in subsection (1) for the purpose described in clause (1) (b) unless the following requirements have been met:

1. The board must publish the following in a newspaper that, in the opinion of the secretary of the board, is of general circulation in the board's area of jurisdiction:

i. Notice of the board's proposal to withdraw funds from the reserve fund for the purpose described in clause (1) (b).

ii. Sufficient information to permit the board's supporters to understand generally the board's reasons for the proposed withdrawal of funds, but excluding information that, in the opinion of the board, would prejudice the board's position in negotiations for the proposed acquisition.

iii. Sufficient information to permit the board's supporters to understand generally the board's plans respecting use of the funds, but excluding information that, in the opinion of the board, would prejudice the board's position in negotiations for the proposed acquisition.

iv. Notice of the time and place of a meeting of the board's supporters at which the board's proposal will be discussed.

v. Notice that the board's supporters will be given the opportunity to make representations at the meeting.

2. The board must hold the meeting referred to in subparagraph iv of paragraph 1 on a day that is at least 21 days after the requirements of paragraph 1 have been met and must provide the opportunity to make representations referred to in subparagraph v of paragraph 1.

3. Within the period that begins three months after the meeting referred to in subparagraph iv of paragraph 1 and ends one year after that meeting, the board must pass a resolution that,

i. is consistent with the notices and information provided under paragraph 1, and

ii. directs the withdrawal of funds from the reserve fund referred to in subsection (1) and the use of those funds for the purpose described in clause (1) (b). O. Reg. 446/98, s. 2 (7).

Education Development Charge Reserve Funds

3. If a district school board sells, leases or otherwise disposes of real property that was acquired, in whole or in part, by the board or by another person, with funds withdrawn from an education development charges account or education development charge reserve fund, and the property was not used to provide accommodation for pupils, the board shall allocate the net proceeds (as described under subsection 2 (5)) of the sale, lease or other disposition, up to the amount withdrawn for the property's acquisition, in accordance with the following rules:

1. If the board has an education development charge by-law that applies to the area in which the property is located, the proceeds shall be allocated to the education development charge accounts or education development charge reserve fund established in respect of that by-law.

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2. If paragraph 1 does not apply but the board has an education development charge reserve fund established under subsection 23 (4) of Ontario Regulation 20/98 from which money may be used to acquire land or an interest in land in the area in which the property is located, the proceeds shall be allocated to that reserve fund.

3. If paragraphs 1 and 2 do not apply but the board has one or more education development charge accounts or education development charge reserve funds from which money may be used to acquire land or an interest in land in any part of the region prescribed under clause 257.101 (d) of the Act in which the property is located, the proceeds shall be allocated to those accounts or reserve funds.

4. If paragraphs 1, 2 and 3 do not apply, the proceeds shall be allocated to the education development charge reserve fund established under section 16.1 of Ontario Regulation 20/98. O. Reg. 446/98, s. 3.

Special Education Reserve Fund

4. (1) A district school board shall establish a reserve fund for the sole purpose of funding special education programs provided by the board, other than programs in facilities. O. Reg. 156/01, s. 2 (1).

(2) In this section,

"programs in facilities" means, in respect of a board, education programs that are considered in determining the programs in facilities amount for the board under the legislative grant regulations made under subsection 234 (1) of the Act. O. Reg. 446/98, s. 4 (2).

(3) A district school board shall allocate all amounts in reserve funds established under subsection (1), as it read on the day before this subsection comes into force, to the reserve fund established by the board under subsection (1). O. Reg. 156/01, s. 2 (2).

Improved Access for Special Education Pupils Reserve Fund

5. (1) In this section,

"2000-2001 fiscal year" means the fiscal year from September 1, 2000 to August 31, 2001. O. Reg. 299/00, s. 1.

(2) If a district school board's expenditures on items listed in subsection 2 (3) of Ontario Regulation 298/00 in the 2000-2001 fiscal year are less than the amount paid to the board under subsection 2 (1) of that Regulation, the board shall allocate the difference to an improved access for special education pupils reserve fund, established only for the purpose of spending on those items. O. Reg. 299/00, s. 1.

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ONTARIO REGULATION
made under the
EDUCATION ACT

Amending O. Reg. 446/98
(Reserve Funds)

Note: Since the end of 2001, Ontario Regulation 446/98 has been amended by Ontario Regulation 5/02. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 19, 2002.

1. (1) The English version of clause 1 (a.1) of Ontario Regulation 446/98 is amended by striking out "either of the conditions" and substituting "any of the conditions".

(2) Clause 1 (a.2) of the Regulation is amended by striking out "either of the conditions" and substituting "any of the conditions".

(3) Clause 1 (a.3) of the Regulation is amended by striking out "either of the conditions" and substituting "any of the conditions".

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APPENDIX F

Calculation of a Board's Grant for New Pupil Places

The purpose of this section is to illustrate how the calculations of a board's Grants for New Pupil Places would be made.

Assumptions:

The calculations are based on a hypothetical board. Two examples are provided where the following assumptions have been made:

1. Existing Elementary Schools

- in September 1998, the capacity of the board's existing elementary schools is assumed to be 23,000 pupil places. In the first example, this capacity remains the same for 25 years. In the second, the capacity is assumed to decrease by 500 pupil places in 2000-01.

2. Existing Secondary Schools

- in September 1998, the capacity of the board's existing secondary schools is assumed to be 7,000 pupil places. In the first example, this capacity remains the same for 25 years. In the second, the capacity is assumed to decrease by 1000 pupil places in 2001-02.

3. Elementary School Enrolment

- Average Daily Enrolment for day-school elementary school pupils is assumed to:
  - be 25,000 in 1998-99;
  - grow by 500 pupils annually until 2003-04;
  - remain stable at 27,500 pupils until 2013-14;
  - decline by 250 pupils annually, reaching 24,000 pupils in 2027-28

4. Secondary School Enrolment

- Average Daily Enrolment for day-school secondary school pupils that were under 21 years of age is assumed to:
  - be 8,000 in 1998-99;
  - grow by 200 pupils annually until 2008-09;
  - remain stable at 10,000 pupils until 2023-24;
  - decline by 250 pupils annually, reaching 9,000 pupils in 2027-28

5. Benchmark Area Requirement per Pupil

- the Benchmark Area Requirement per Pupil for the elementary panel is assumed to be 100 square feet for the entire time period;
- the Benchmark Area Requirement per Pupil for the secondary panel is assumed to be 130 square feet for the entire time period

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6. Benchmark Construction Cost per Square Foot

- the Benchmark Construction Cost per Square Foot, amortized over a 25 year period, is $11.00 for elementary schools; and
- the Benchmark Construction Cost per Square Foot, amortized over a 25 year period, is $12.00 for secondary schools

7. Geographic Adjustment Factor

- the Geographic Adjustment Factor for this hypothetical board is assumed to be 1.100.

Grants for New Pupil Places

Grants for New Pupil Places are calculated separately for the elementary and secondary school panels using the following formula:

Grant for New Pupil Places	=	Enrolment in excess of Capacity	X	Benchmark Area Requirement per Pupil	X Benchmark Construction Cost per Sq. Ft.
			Plus		
		Enrolment Pressures/ Prohibitive Repair	X	Benchmark Area Requirement per Pupil	X Benchmark Construction Cost per Sq. Ft.
			Plus		
		Capital Transitional Pressure	X	Benchmark Area Requirement per Pupil	X Benchmark Construction Cost per Sq. Ft.

The sum of the three components X Geographic Adjustment Factor

Table F-1 illustrates the calculation of the Grants for New Pupil Places for the elementary and secondary panels for the hypothetical board that does not receive amounts for enrolment pressures or transitional capital adjustments used in this example. As may be seen:

- for the first 25 years (i.e for the duration of the amortization period) the capacity of the board's schools is assumed to be unchanged from the capacity in September 1998. Over the 25-year period, therefore, the board would have received sufficient funding to pay for the construction of new facilities to house all of its 1998-99 student body.

- actual 1998-99 enrolment levels, therefore, are used as the capacity deducted from enrolment in 2023-24, the first year after the amortization period, to determine grants for new pupil places in that year

- similarly, actual 1999-00 enrolment levels are used as the capacity deducted from enrolment in 2024-25 to determine grants for new pupil places in that year; and so on;

- if this capacity exceeds enrolment, the difference between the two is assumed to be zero.

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The Grant for New Pupil Places for the board is obtained by adding the grants calculated for the elementary and secondary panels in Table F-1.

Table F-2 illustrates the calculation of the Grants for New Pupil Places for the elementary and secondary panels for the same hypothetical board used in this example. The calculation assumes that the board has offered a 500 pupil place elementary school up to its co-terminous boards and the Ontario Realty Corporation at no charge in the 1999 calendar year and a 1000 pupil place secondary school in the 2000 calendar year. As may be seen:

- the board's decision to offer up the elementary school at no charge during 1999 is reflected in the calculation of Grants for New Pupil Places effective 2000-01;

- the capacity figures used to determine Grants for New Pupil Places for the elementary panel as per the example shown in Table F-1 are therefore reduced by 500 pupil places for the 25-year period 2000-01 to 2024-25 inclusive.

- similarly, the board's decision to offer up the secondary school at no charge during 2000 is reflected in the calculation of Grants for New Pupil Places effective 2001-02;

- the capacity figures used to determine Grants for New Pupil Places for the secondary panel as per the example shown in Table F-1 are therefore reduced by 1000 pupil places for the 25-year period 2001-02 to 2025-26 inclusive.

The Grant for New Pupil Places for the board is obtained by adding the grants calculated for the elementary and secondary panels in Table F-2.

Funding will be provided to address elementary or secondary enrolment pressures for boards not eligible for Grants for New Pupil Places at either the elementary or secondary levels or to address capital transitional pressures. These amounts have either been specified in the 2002-03 Grant Regulation, or will be confirmed by the ministry during the 2002-03 academic year.

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Table F-1 - Calculation of Grants for New Pupil Places

Year	Assumed Day School Average Daily Enrolment of pupils under 21 (Elementary)	Assumed Capacity of Existing Schools (Elementary)	Assumed Enrolment less Capacity of Existing Schools (Elementary)	Benchmark Area Requirement per Pupil (Elementary)	Benchmark Construction Cost per Square Foot (Elementary)	Assumed Geographic Adjustment Factor 10.0%	Simulated Grant for New Pupil Places (Elementary)
1998-99	25,000	23,000	2,000	100	$11.00	1.100	$2,420,000
1999-00	25,500	23,000	2,500	100	$11.00	1.100	$3,025,000
2000-01	26,000	23,000	3,000	100	$11.00	1.100	$3,630,000
2001-02	26,500	23,000	3,500	100	$11.00	1.100	$4,235,000
2002-03	27,000	23,000	4,000	100	$11.00	1.100	$4,840,000
2003-04	27,500	23,000	4,500	100	$11.00	1.100	$5,445,000
2004-05	27,500	23,000	4,500	100	$11.00	1.100	$5,445,000
2005-06	27,500	23,000	4,500	100	$11.00	1.100	$5,445,000
2006-07	27,500	23,000	4,500	100	$11.00	1.100	$5,445,000
2007-08	27,500	23,000	4,500	100	$11.00	1.100	$5,445,000
2008-09	27,500	23,000	4,500	100	$11.00	1.100	$5,445,000
2009-10	27,500	23,000	4,500	100	$11.00	1.100	$5,445,000
2010-11	27,500	23,000	4,500	100	$11.00	1.100	$5,445,000
2011-12	27,500	23,000	4,500	100	$11.00	1.100	$5,445,000
2012-13	27,500	23,000	4,500	100	$11.00	1.100	$5,445,000
2013-14	27,500	23,000	4,500	100	$11.00	1.100	$5,445,000
2014-15	27,250	23,000	4,250	100	$11.00	1.100	$5,142,500
2015-16	27,000	23,000	4,000	100	$11.00	1.100	$4,840,000
2016-17	26,750	23,000	3,750	100	$11.00	1.100	$4,537,500
2017-18	26,500	23,000	3,500	100	$11.00	1.100	$4,235,000
2018-19	26,250	23,000	3,250	100	$11.00	1.100	$3,932,500
2019-20	26,000	23,000	3,000	100	$11.00	1.100	$3,630,000
2020-21	25,750	23,000	2,750	100	$11.00	1.100	$3,327,500
2021-22	25,500	23,000	2,500	100	$11.00	1.100	$3,025,000
2022-23	25,250	23,000	2,250	100	$11.00	1.100	$2,722,500
2023-24	25,000	25,000	0	100	$11.00	1.100	$0
2024-25	24,750	25,500	0	100	$11.00	1.100	$0
2025-26	24,500	26,000	0	100	$11.00	1.100	$0
2026-27	24,250	26,500	0	100	$11.00	1.100	$0
2027-28	24,000	27,000	0	100	$11.00	1.100	$0

Year	Assumed Day School Average Daily Enrolment of pupils under 21 (Secondary)	Assumed Capacity of Existing Schools (Secondary)	Assumed Enrolment less Capacity of Existing Schools (Secondary)	Benchmark Area Requirement per Pupil (Secondary)	Benchmark Construction Cost per Square Foot (Secondary)	Assumed Geographic Adjustment Factor 10.0%	Simulated Grant for New Pupil Places (Secondary)
1998-99	8,000	7,000	1,000	130	$12.00	1.100	$1,716,000
1999-00	8,200	7,000	1,200	130	$12.00	1.100	$2,059,200
2000-01	8,400	7,000	1,400	130	$12.00	1.100	$2,402,400
2001-02	8,600	7,000	1,600	130	$12.00	1.100	$2,745,600
2002-03	8,800	7,000	1,800	130	$12.00	1.100	$3,088,800
2003-04	9,000	7,000	2,000	130	$12.00	1.100	$3,432,000
2004-05	9,200	7,000	2,200	130	$12.00	1.100	$3,775,200
2005-06	9,400	7,000	2,400	130	$12.00	1.100	$4,118,400
2006-07	9,600	7,000	2,600	130	$12.00	1.100	$4,461,600
2007-08	9,800	7,000	2,800	130	$12.00	1.100	$4,804,800
2008-09	10,000	7,000	3,000	130	$12.00	1.100	$5,148,000
2009-10	10,000	7,000	3,000	130	$12.00	1.100	$5,148,000
2010-11	10,000	7,000	3,000	130	$12.00	1.100	$5,148,000
2011-12	10,000	7,000	3,000	130	$12.00	1.100	$5,148,000
2012-13	10,000	7,000	3,000	130	$12.00	1.100	$5,148,000
2013-14	10,000	7,000	3,000	130	$12.00	1.100	$5,148,000
2014-15	10,000	7,000	3,000	130	$12.00	1.100	$5,148,000
2015-16	10,000	7,000	3,000	130	$12.00	1.100	$5,148,000
2016-17	10,000	7,000	3,000	130	$12.00	1.100	$5,148,000
2017-18	10,000	7,000	3,000	130	$12.00	1.100	$5,148,000
2018-19	10,000	7,000	3,000	130	$12.00	1.100	$5,148,000
2019-20	10,000	7,000	3,000	130	$12.00	1.100	$5,148,000
2020-21	10,000	7,000	3,000	130	$12.00	1.100	$5,148,000
2021-22	10,000	7,000	3,000	130	$12.00	1.100	$5,148,000
2022-23	10,000	7,000	3,000	130	$12.00	1.100	$5,148,000
2023-24	10,000	7,000	3,000	130	$12.00	1.100	$5,148,000
2024-25	9,750	8,000	1,750	130	$12.00	1.100	$3,003,000
2025-26	9,500	8,200	1,300	130	$12.00	1.100	$2,230,800
2026-27	9,250	8,400	850	130	$12.00	1.100	$1,458,600
2027-28	9,000	8,600	400	130	$12.00	1.100	$686,400

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Table F-2 - Calculation of Grants of New Pupil Places

Year	a	b Assumed Day School Average Daily Enrolment of Pupils Under 21 - Elementary	c Assumed Capacity of Existing Schools - per Table G-1 - Elementary	d Capacity Reduction Resulting from the Disposition of a 500 Pupil Place Elementary School	e Revised Capacity Reflecting the Disposition of Surplus Schools	f Assumed Enrolment less Revised Capacity of Schools - Elementary	g Assumed Benchmark Area Requirement Per Pupil Elementary	h Assumed Construction Cost Per Square Foot - Elementary	i Assumed Geographic Adjustment Factor	j Simulated Grant for New Pupil Places - Elementary
					c + d	b - e				f x g x h x i
1998-99		25,000	23,000	0	23,000	2,000	100	$11.00	1.100	$2,420,000
1999-00		25,500	23,000	0	23,000	2,500	100	$11.00	1.100	$3,025,000
2000-01		26,000	23,000	(500)	22,500	3,500	100	$11.00	1.100	$4,235,000
2001-02		26,500	23,000	(500)	22,500	4,000	100	$11.00	1.100	$4,840,000
2002-03		27,000	23,000	(500)	22,500	4,500	100	$11.00	1.100	$5,445,000
2003-04		27,500	23,000	(500)	22,500	5,000	100	$11.00	1.100	$6,050,000
2004-05		27,500	23,000	(500)	22,500	5,000	100	$11.00	1.100	$6,050,000
2005-06		27,500	23,000	(500)	22,500	5,000	100	$11.00	1.100	$6,050,000
2006-07		27,500	23,000	(500)	22,500	5,000	100	$11.00	1.100	$6,050,000
2007-08		27,500	23,000	(500)	22,500	5,000	100	$11.00	1.100	$6,050,000
2008-09		27,500	23,000	(500)	22,500	5,000	100	$11.00	1.100	$6,050,000
2009-10		27,500	23,000	(500)	22,500	5,000	100	$11.00	1.100	$6,050,000
2010-11		27,500	23,000	(500)	22,500	5,000	100	$11.00	1.100	$6,050,000
2011-12		27,500	23,000	(500)	22,500	5,000	100	$11.00	1.100	$6,050,000
2012-13		27,500	23,000	(500)	22,500	5,000	100	$11.00	1.100	$6,050,000
2013-14		27,500	23,000	(500)	22,500	5,000	100	$11.00	1.100	$6,050,000
2014-15		27,250	23,000	(500)	22,500	4,750	100	$11.00	1.100	$5,747,500
2015-16		27,000	23,000	(500)	22,500	4,500	100	$11.00	1.100	$5,445,000
2016-17		26,750	23,000	(500)	22,500	4,250	100	$11.00	1.100	$5,142,500
2017-18		26,500	23,000	(500)	22,500	4,000	100	$11.00	1.100	$4,840,000
2018-19		26,250	23,000	(500)	22,500	3,750	100	$11.00	1.100	$4,537,500
2019-20		26,000	23,000	(500)	22,500	3,500	100	$11.00	1.100	$4,235,000
2020-21		25,750	23,000	(500)	22,500	3,250	100	$11.00	1.100	$3,932,500
2021-22		25,500	23,000	(500)	22,500	3,000	100	$11.00	1.100	$3,630,000
2022-23		25,250	23,000	(500)	22,500	2,750	100	$11.00	1.100	$3,327,500
2023-24		25,000	25,000	(500)	24,500	500	100	$11.00	1.100	$605,000
2024-25		24,750	25,500	(500)	25,000	0	100	$11.00	1.100	$0
2025-26		24,500	26,000	0	26,000	0	100	$11.00	1.100	$0
2026-27		24,250	26,500	0	26,500	0	100	$11.00	1.100	$0
2027-28		24,000	27,000	0	27,000	0	100	$11.00	1.100	$0

Year	Assumed Day School Average Daily Enrolment of Pupils Under 21 - Secondary	Assumed Capacity of Existing Schools - per Table G-1 - Secondary	Capacity Reduction Resulting from the Disposition of a 1,000 Pupil Place Secondary School	Revised Capacity Reflecting the Disposition of Surplus Schools	Assumed Enrolment less Revised Capacity of Schools - Secondary	Assumed Benchmark Area Requirement Per Pupil Secondary	Assumed Construction Cost Per Square Foot - Secondary	Assumed Geographic Adjustment Factor	Simulated Grant for New Pupil Places - Secondary
				c + d	b - e				f x g x h x i
1998-99	8,000	7,000	0	7,000	1,000	130	$12.00	1.100	$1,716,000
1999-00	8,200	7,000	0	7,000	1,200	130	$12.00	1.100	$2,059,200
2000-01	8,400	7,000	0	7,000	1,400	130	$12.00	1.100	$2,402,400
2001-02	8,600	7,000	(1,000)	6,000	2,600	130	$12.00	1.100	$4,461,600
2002-03	8,800	7,000	(1,000)	6,000	2,800	130	$12.00	1.100	$4,804,800
2003-04	9,000	7,000	(1,000)	6,000	3,000	130	$12.00	1.100	$5,148,000
2004-05	9,200	7,000	(1,000)	6,000	3,200	130	$12.00	1.100	$5,491,200
2005-06	9,400	7,000	(1,000)	6,000	3,400	130	$12.00	1.100	$5,834,400
2006-07	9,600	7,000	(1,000)	6,000	3,600	130	$12.00	1.100	$6,177,600
2007-08	9,800	7,000	(1,000)	6,000	3,800	130	$12.00	1.100	$6,520,800
2008-09	10,000	7,000	(1,000)	6,000	4,000	130	$12.00	1.100	$6,864,000
2009-10	10,000	7,000	(1,000)	6,000	4,000	130	$12.00	1.100	$6,864,000
2010-11	10,000	7,000	(1,000)	6,000	4,000	130	$12.00	1.100	$6,864,000
2011-12	10,000	7,000	(1,000)	6,000	4,000	130	$12.00	1.100	$6,864,000
2012-13	10,000	7,000	(1,000)	6,000	4,000	130	$12.00	1.100	$6,864,000
2013-14	10,000	7,000	(1,000)	6,000	4,000	130	$12.00	1.100	$6,864,000
2014-15	10,000	7,000	(1,000)	6,000	4,000	130	$12.00	1.100	$6,864,000
2015-16	10,000	7,000	(1,000)	6,000	4,000	130	$12.00	1.100	$6,864,000
2016-17	10,000	7,000	(1,000)	6,000	4,000	130	$12.00	1.100	$6,864,000
2017-18	10,000	7,000	(1,000)	6,000	4,000	130	$12.00	1.100	$6,864,000
2018-19	10,000	7,000	(1,000)	6,000	4,000	130	$12.00	1.100	$6,864,000
2019-20	10,000	7,000	(1,000)	6,000	4,000	130	$12.00	1.100	$6,864,000
2020-21	10,000	7,000	(1,000)	6,000	4,000	130	$12.00	1.100	$6,864,000
2021-22	10,000	7,000	(1,000)	6,000	4,000	130	$12.00	1.100	$6,864,000
2022-23	10,000	7,000	(1,000)	6,000	4,000	130	$12.00	1.100	$6,864,000
2023-24	10,000	8,000	(1,000)	7,000	3,000	130	$12.00	1.100	$5,148,000
2024-25	9,750	8,200	(1,000)	7,200	2,550	130	$12.00	1.100	$4,375,800
2025-26	9,500	8,400	(1,000)	7,400	2,100	130	$12.00	1.100	$3,603,600
2026-27	9,250	8,600	0	8,600	650	130	$12.00	1.100	$1,115,400
2027-28	9,000	8,800	0	8,800	200	130	$12.00	1.100	$343,200

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APPENDIX G

Education Development Charges

School boards are provided with general authority to impose Education Development Charges (EDCs) in Division E of Part IX of the Education Act. Ontario Regulation 20/98 documents the details regarding eligibility to impose EDCs on new development and the determination of the charges themselves. Since its introduction, Ontario Regulation 20/98, has been amended by separate regulations on three occasions.[2] These amendments have been consolidated into Ontario Regulation 20/98, as amended, which is attached as part of this appendix.

In March 2002, Ontario Regulation 20/98 was further amended in response to recommendations made through a consultative process involving school boards and their representatives, and representatives from the development industry that took place in 2001. A copy of that amendment is also attached as part of this appendix.

Regulation 20/98 provides that EDCs may be collected on new residential and non-residential development and are to be used only to acquire new school sites needed to accommodate students resulting from new residential development in the board's jurisdiction and in the area in which the funds are collected. Generally, EDC by-laws may be imposed only in upper tier municipalities or prescribed regions in which the board intends to construct new schools. A board may have one EDC by-law covering the entire region prescribed in the Regulation; or it may have separate by-laws for different areas within a prescribed region.

The maximum term of an EDC by law is five years. Generally, boards where the average of elementary (or secondary) school enrolment projected during the proposed by-law period exceeds the capacity of their elementary (or secondary) schools are eligible to impose EDCs.

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[2] Prior to 2002, Ontario Regulation 20/98 was amended as follows:

Year of Amendment	Purpose of Amendment to Ontario Regulation 446/98
1998	To ensure that proceeds from the sale of vacant land (i.e., land on which the board had not as yet built any permanent facilities) which had been acquired using revenues from Education Development Charges are to be placed into an Education Development Charge Reserve Fund in accordance with processes set out in Ontario Regulation 446/98.
1998	To authorize boards that collected EDCs under the authority of Part III of the Development Charges Act as it read prior to February 1, 1998, to utilize surplus funds in their EDC accounts to acquire sites for new schools.
2000	To permit boards to transfer funds from their Education Development Charge Reserve Fund to their Pupil Accommodation Reserve Fund provided that: (i) they do not have in place an Education Development Charge by-law prepared in accordance with Ontario Regulation 20/98; and (ii) funds transferred from the Education Development Charge Reserve Fund to the Pupil Accommodation Reserve Fund are used for the provision of new pupil places needed as a result of new residential development in the area in which the funds were raised.

Co-terminous boards are encouraged to work with each other and with the municipalities within their jurisdictions in developing EDC by-laws.

Before imposing EDCs a board is required to prepare a background study which documents:

- information regarding current capacity and enrolment of each of the board's elementary and secondary schools
- projections of total elementary and secondary enrolment for the board for a fifteen-year period. A fifteen-year planning horizon is used rather than the five year maximum period for the proposed EDC by-law to:
    - take into account both elementary and secondary school requirements which would be generated by the proposed development; and
    - smooth fluctuations in EDC values over time
- projections of residential housing starts, and projections of the number of elementary and secondary students expected to attend the board's schools as a result of this development
- the board's plans for new schools to accommodate the projected enrolment increases
- the land required for each of the proposed schools and the projected cost to acquire this land
- the calculations of unit charges for both residential and non-residential development

The background study will be reviewed by the Ministry of Education to ensure that the eligibility criteria have been met and to approve the board's estimates of the projected enrolment increases resulting from the anticipated development in the area and the number of new school sites required to accommodate this enrolment.

A board is required to hold at least one public meeting to discuss the rationale for the proposed EDC by-law and to document the calculation of unit charges. Appeals related to EDC by-laws imposed by the board will be resolved by the Ontario Municipal Board.

EDC charges will be collected by municipalities when building permits are issued, and funds forwarded to boards on a monthly basis. Each year, boards will be required to submit to the Ministry of Education financial reports documenting:

- the initial balance of the EDC account;
- all revenues deposited into the EDC account, including interest earned;
- all expenditures made from the EDC account, including:
    - the cost of land for new school sites;
    - the cost to service the sites acquired;
    - the cost of site development required to prepare the sites for construction;
    - the interest costs associated with loans associated with the acquisition of sites funded from the EDC account; and
- the closing balance of the EDC account.

The Ministry has published EDC Guidelines that provide an overview of the procedures for the calculation, imposition, and use of EDCs, and general clarification to school boards and those involved in the preparation of EDC background studies. These guidelines are available from the Ministry's website at www.edu.gov.on.ca, or at the Ministry's FTP site, along with revised Ministry forms and related legislation at ftp://ftp.edu.gov.on.ca/sfis/edc.

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This version of Ontario Regulation 20/98 is prepared for purposes of convenience only. The authoritative text is set out in the official volumes.

Education Act

ONTARIO REGULATION 20/98
Amended to O. Reg. 136/00

EDUCATION DEVELOPMENT CHARGES - GENERAL

This is the English version of a bilingual regulation.

	Section
PART I INTERPRETATION	
Definitions	1
Exclusion from education land costs - excess land	2
PART II EXEMPTIONS	
Additional dwelling unit exemption	3
Replacement of dwelling unit exemption	4
Replacement of non-residential building exemption	5
Toronto Railway Lands exemption	6
PART III DETERMINATION OF CHARGES AND PASSAGE OF BY-LAW	
Determination of education development charge	7
Application of charge if based on declared value of development	8
Background study contents	9
Conditions of passage of by-law	10
Notice of public meeting	11
Notice of by-law	12
PART IV AMENDMENT TO BY-LAW	
Re-determination of education development charges	13
Notice of proposed amendment to by-law	14
Notice of the passage of amending by-law	15

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PART V
MISCELLANEOUS

Education development charge reserve fund	16, 16.1
Expiry of by-laws - special rule	17
Interest	18
Regions	19
Monthly reports	20
Pamphlets explaining by-law	21

PART VI
TRANSITION FROM OLD DEVELOPMENT CHARGES ACT

Successor boards	22
Joint education development charge accounts	23
Monthly reports for continued by-laws	24
Schedule (Regions)	

PART I
INTERPRETATION

Definitions

1. For the purposes of Division E of Part IX of the Act and in this Regulation,

"existing industrial building" means a building classified as land in the industrial property class according to the last returned assessment roll; ("immeuble industriel existant")

"gross floor area" means the total floor area, measured between the outside of exterior walls or between the outside of exterior walls and the centre line of party walls dividing the building from another building, of all floors above the average level of finished ground adjoining the building at its exterior walls; ("surface de plancher hors oevre brute")

"growth-related net education capital cost" means the net education capital cost reasonably attributable to the need for such net education capital cost that is attributed to or will result from development in all or part of the area of jurisdiction of a board and, for the purpose of this definition, "net education capital cost" has the same meaning as in Part III of the Development Charges Act as that Act read on January 31, 1998. ("dépense en capital nette à fin scolaire liée à la croissance") O. Reg. 20/98, s. 1; O. Reg. 136/00, s. 1.

Exclusion from Education Land Costs - Excess Land

2. (1) Costs that are attributable to excess land of a site are prescribed, for the purposes of paragraph 2 of subsection 257.53 (3) of the Act, as costs that are not education land costs.

(2) Subsection (1) does not apply to costs described in paragraph 5 of subsection 257.53 (2) of the Act.

(3) Land is not excess land if it is reasonably necessary,

(a) to meet a legal requirement relating to the site; or

(b) to allow the facilities for pupil accommodation that the board intends to provide on the site to be located there and to provide access to those facilities.

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(4) This section does not apply to land,

(a) that has already been acquired by the board before February 1, 1998; or

(b) in respect of which there is an agreement, entered into before February 1, 1998, under which the board is required to, or has an option to, purchase the land.

(5) In this section,

"excess land" means the part of a school site that exceeds the maximum area determined, under the table to this section, based on the number of pupils that can be accommodated in the school to be built on the site.

Elementary Schools	
Number of pupils	Maximum area (acres)
1 to 400	4
401 to 500	5
501 to 600	6
601 to 700	7
701 or more	8

Secondary Schools	
Number of pupils	Maximum area (acres)
1 to 1000	12
1001 to 1100	13
1101 to 1200	14
1201 to 1300	15
1301 to 1400	16
1401 to 1500	17
1501 or more	18

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PART II
EXEMPTIONS

Additional Dwelling Unit Exemption

3. For the purposes of clause 257.54 (3) (b) of the Act, the following table sets out the name and description of the classes of residential buildings that are prescribed, the maximum number of additional dwelling units that are prescribed for buildings in those classes and the restrictions for each class.

Name of class of residential building	**Description of class of residential buildings**	**Maximum number of additional dwelling units**	**Restrictions**
Single detached dwellings	Residential buildings, each of which contains a single dwelling unit, that are not attached to other buildings.	Two	The total gross floor area of the additional dwelling unit or units must be less than or equal to the gross floor area of the dwelling unit already in the building.
Semi-detached dwellings or row dwellings	Residential buildings, each of which contains a single dwelling unit, that have one or two vertical walls, but no other parts, attached to other buildings.	One	The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the dwelling unit already in the building.
Other residential buildings	A residential building not in another class of residential building described in this table.	One	The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the smallest dwelling unit already in the building.

Replacement of Dwelling Unit Exemption

4. (1) Subject to subsection (2), a board shall exempt an owner with respect to the replacement, on the same site, of a dwelling unit that was destroyed by fire, demolition or otherwise, or that was so damaged by fire, demolition or otherwise as to render it uninhabitable.

(2) A board is not required to exempt an owner if the building permit for the replacement dwelling unit is issued more than two years after,

(a) the date the former dwelling unit was destroyed or became uninhabitable; or

(b) if the former dwelling unit was demolished pursuant to a demolition permit issued before the former dwelling unit was destroyed or became uninhabitable, the date the demolition permit was issued. O. Reg. 20/98, s. 4.

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Replacement of Non-Residential Building Exemption

5. (1) Subject to subsections (2) and (3), a board shall exempt an owner with respect to the replacement, on the same site, of a non-residential building that was destroyed by fire, demolition or otherwise, or that was so damaged by fire, demolition or otherwise as to render it unusable.

(2) If the gross floor area of the non-residential part of the replacement building exceeds the gross floor area of the non-residential part of the building being replaced, the board is only required to exempt the owner with respect to the portion of the education development charge calculated in accordance with the following formula:

$$Exempted\ portion = \frac{GFA(old)}{GFA(new)} \times EDC$$

where,

"Exempted portion" means the portion of the education development charge that the board is required to exempt;

"GFA (old)" means the gross floor area of the non-residential part of the building being replaced;

"GFA (new)" means the gross floor area of the non-residential part of the replacement building;

"EDC" means the education development charge that would be payable in the absence of the exemption.

(3) A board is not required to exempt an owner if the building permit for the replacement building is issued more than five years after,

(a) the date the former building was destroyed or became unusable; or

(b) if the former building was demolished pursuant to a demolition permit issued before the former building was destroyed or became unusable, the date the demolition permit was issued.

(4) This section does not apply with respect to education development charges on residential development. O. Reg. 20/98, s. 5.

Toronto Railway Lands Exemption

6. (1) In this section,

"agreement" means the agreement entitled "Development Levy Agreement - Railway Lands Central and West" made as of October 21, 1994 among The Corporation of the City of Toronto, Canadian National Railway Company, CN Transactions Inc., The Board of Education for the City of Toronto, Metropolitan Separate School Board and The Metropolitan Toronto School Board, and registered in the Land Registry Office for the Land Titles Division of Metropolitan Toronto (No. 66) as Instrument No. C920254; ("entente")

"lands" means the lands described in Schedules A and B to the agreement. ("terrains")

(2) A board shall exempt an owner from education development charges on the lands to the extent provided for in the agreement. O. Reg. 20/98, s. 6.

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PART III
DETERMINATION OF CHARGES AND PASSAGE OF BY-LAW

Determination of Education Development Charges

7. Before an education development charge by-law is passed, the board shall do the following for the purposes of determining the education development charges:

1. The board shall estimate the number of new dwelling units in the area in which the charges are to be imposed for each of the 15 years immediately following the day the board intends to have the by-law come into force. The board's estimate shall include only new dwelling units in respect of which education development charges may be imposed.

2. The board shall identify different types of new dwelling units and estimate, for each type, the average number of new elementary school pupils and the average number of new secondary school pupils generated by each new dwelling unit who will attend schools of the board.

3. For each of the 15 years referred to in paragraph 1, the board shall estimate the total number of new elementary school pupils and new secondary school pupils using the estimated number of new dwelling units and the estimated average number of new pupils generated by each new dwelling unit subject to the following adjustments,

   i. the board shall reduce the number of new elementary school pupils by the number of existing elementary school pupil places that, in the opinion of the board, could reasonably be used to accommodate those new pupils,

   ii. the board shall reduce the number of new secondary school pupils by the number of existing secondary school pupil places that, in the opinion of the board, could reasonably be used to accommodate those new pupils.

4. The board shall estimate the net education land cost for the elementary school sites and secondary school sites required to provide pupil places for the new elementary school pupils and new secondary school pupils.

5. The board shall estimate the balance of the education development charge reserve fund, if any, relating to the area in which the charges are to be imposed. The estimate shall be an estimate of the balance immediately before the day the board intends to have the by-law come into force.

6. The board shall adjust the net education land cost with respect to any balance estimated under paragraph 5. If the balance is positive, the balance shall be subtracted from the cost. If the balance is negative, the balance shall be converted to a positive number and added to the cost.

7. The net education land cost as adjusted, if necessary, under paragraph 6, is the growth-related net education land cost.

8. The board shall choose the percentage of the growth-related net education land cost that is to be funded by charges on residential development and the percentage, if any, that is to be funded by charges on non-residential development. The percentage that is to be funded by charges on non-residential development shall not exceed 40 per cent.

9. The board shall determine the charges on residential development subject to the following,

   i. the charges shall be expressed as a rate per new dwelling unit,

   ii. the rate shall be the same throughout the area in which charges are to be imposed under the by-law,

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iii. the rate shall be an amount determined by the board so that if applied, over the 15 year period referred to in paragraph 1, to the estimated residential development in the area to which the by-law would apply and for which charges may be imposed, the percentage of the growth-related net education land cost that is to be funded by charges on residential development would not be exceeded.

10. If charges are to be imposed on non-residential development, the board shall determine the charges subject to the following,

i. the charges shall be expressed as one of the following types of rate, as selected by the board,

A. a rate to be applied to the gross floor area of the development, or

B. a rate to be applied to the declared value of the development,

ii. the board may choose to have one type of rate for some parts of the area in which charges are to be imposed and the other type of rate to apply to the other parts of the area in which charges are to be imposed,

iii. the board may not choose to have both types of rate apply within a city, town, village or township,

iv. if only one type of rate applies under the by-law, the rate shall be the same throughout the area in which charges are to be imposed under the by-law,

v. if both types of rate are to apply under the by-law, each of those rates shall be the same throughout the area in which each type of rate applies,

vi. the rate (or rates if both types of rate are to apply under the by-law) shall be determined by the board so that if applied, over the 15-year period referred to in paragraph 1, to the estimated non-residential development in the area to which the by-law would apply and for which charges may be imposed, the percentage of the growth-related net education land cost that is to be funded by charges on non-residential development would not be exceeded. O. Reg. 20/98, s. 7.

Application of Charge if Based on Declared Value of Development

8. An education development charge expressed as a rate to be applied to the declared value of a development shall be applied to the declared value used to calculate the building permit fee, if that fee is calculated using the declared value of the development. O. Reg. 20/98, s. 8.

Background Study Contents

9. (1) The following information is prescribed, for the purposes of clause 257.61 (2) (d) of the Act, as information that must be included in the education development charge background study relating to an education development charge by-law:

1. The following estimates that the board intends to use in determining the education development charges,

i. the board's estimates under paragraph 1 of section 7, for each of the years required under that paragraph, of the number of new dwelling units in the area in which the charges are to be imposed,

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ii. the board's estimates under paragraph 2 of section 7, for each type of dwelling unit identified by the board, of the average number of elementary school pupils and the average number of secondary school pupils generated by each new dwelling unit who will attend schools of the board, and

iii. the board's estimates under paragraph 3 of section 7, for each of the years required under that paragraph, of the total number of new elementary school pupils and the total number of new secondary school pupils, without the adjustments set out in that paragraph being made and with the adjustments set out in that paragraph being made.

2. For each elementary school and secondary school in the area in which the board intends to impose education development charges,

i. the number of existing pupil places, and

ii. the number of pupils who attend the school.

3. For every existing elementary school pupil place in the board's jurisdiction that the board does not intend to use in the adjustment under subparagraph i of paragraph 3 of section 7, an explanation as to why the board does not intend to do so.

4. For every existing secondary school pupil place in the board's jurisdiction that the board does not intend to use in the adjustment under subparagraph ii of paragraph 3 of section 7, an explanation as to why the board does not intend to do so.

5. For each elementary school site and secondary school site, the net education land cost of which the board intends to include in its estimation under paragraph 4 of section 7,

i. the location of the site,

ii. the area of the site and if the area of the site exceeds the maximum area determined, under the table to section 2, based on the number of pupils that can be accommodated in the school to be built on the site, an explanation of whether the costs of the excess land are education land costs and if so, why,

iii. the estimated education land costs of the site including a separate statement of the board's estimation of,

A. the costs described in paragraph 1 of subsection 257.53 (2) of the Act,

B. the costs of providing services described in paragraph 2 of subsection 257.53 (2) of the Act,

C. the costs of preparing the site described in paragraph 2 of subsection 257.53 (2) of the Act, and

D. the interest described in paragraph 4 of subsection 257.53 (2) of the Act, and

iv. the number of pupil places the board estimates will be provided by the school to be built on the site and the number of those pupil places that the board estimates will be used to accommodate the number of new pupils estimated under paragraph 3 of section 7.

6. A statement of the board's policy concerning possible arrangements with municipalities, school boards or other persons or bodies in the public or private sector, including arrangements of a long-term or co-operative nature, which would provide accommodation for the new elementary school pupils and new secondary school pupils estimated under paragraph 3 of section 7, without imposing education development charges, or with a reduction in such charges.

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7. If a previous education development charge background study completed by the board included a statement under paragraph 6, a statement of how the policy referred to in the statement was implemented and, if it was not implemented, an explanation of why it was not implemented.

8. A statement from the board stating that it has reviewed its operating budget for savings that could be applied to reduce growth-related net education land costs, and the amount of any savings which it proposes to apply, if any.

(2) The information prescribed under paragraph 5 of subsection (1) shall be as specific as can reasonably be provided by the board in the circumstances. O. Reg. 20/98, s. 9.

Conditions of Passage of By-law

10. The following conditions are prescribed, for the purposes of subsection 257.54 (6) of the Act, as conditions that must be satisfied in order for a board to pass an education development charge by-law:

1. The Minister has approved,

   i. the board's estimates under paragraph 3 of section 7, for each of the years required under that paragraph, of the total number of new elementary school pupils and the total number of new secondary school pupils, without the adjustments set out in that paragraph being made, and

   ii. the board's estimates of the number of elementary school sites and the number of secondary school sites used by the board to determine the net education land cost under paragraph 4 of section 7.

2. Either,

   i. the estimated average number of elementary school pupils of the board over the five years immediately following the day the board intends to have the by-law come into force exceeds the total capacity of the board to accommodate elementary school pupils throughout its jurisdiction on the day the by-law is passed, or

   ii. the estimated average number of secondary school pupils of the board over the five years immediately following the day the board intends to have the by-law come into force exceeds the total capacity of the board to accommodate secondary school pupils throughout its jurisdiction on the day the by-law is passed.

3. The board has given a copy of the education development charge background study relating to the by-law to the Minister and each board having jurisdiction within the area to which the by-law would apply. O. Reg. 20/98, s. 10.

Notice of Public Meeting

11. (1) The notice of the public meeting the board is required to give under clause 257.63 (1) (b) of the Act shall be given in one of the following ways:

1. To every owner of land in the area to which the proposed by-law would apply, by personal service, fax or mail.

2. By publication in a newspaper that is, in the secretary of the board's opinion, of sufficiently general circulation in the area to which the proposed by-law would apply to give the public reasonable notice of the meeting.

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(2) For the purposes of paragraph 1 of subsection (1), the owners are the owners shown on the last revised assessment roll, subject to any written notice of a change of ownership of land the secretary of the board may have received. A notice given by mail to an owner shall be mailed to the address shown on the last revised assessment roll or, if applicable, to the address shown on the notice of a change of ownership of land received by the secretary of the board. O. Reg. 20/98, s. 11.

Notice of By-law

12. (1) This section applies to the notices relating to the passage of an education development charge by-law that the secretary of a board is required to give under section 257.64 of the Act.

(2) Notice shall be given in one of the following ways:

1. By personal service, fax or mail to every owner of land in the area to which the by-law applies.

2. By publication in a newspaper that is, in the secretary of the board's opinion, of sufficiently general circulation in the area to which the by-law applies to give the public reasonable notice of the by-law.

(3) Subsection 11 (2) applies, with necessary modifications, for the purposes of paragraph 1 of subsection (2).

(4) In addition to the notice under subsection (2), notice shall be given, by personal service, fax or mail, to the following:

1. Every person and organization that has given the secretary of the board a written request for notice of the passing of the by-law and has provided a return address.

2. The Minister.

3. Unless notice is given under paragraph 2 of subsection (2),

   i. the clerk of every municipality having jurisdiction within the area to which the by-law applies, and

   ii. the secretary of every board having jurisdiction within the area to which the by-law applies.

(5) Each notice shall set out the following:

1. A statement that the board has passed an education development charge by-law.

2. A statement setting out when the by-law was passed and what its number is.

3. A statement that any person or organization may appeal the by-law to the Ontario Municipal Board under section 257.65 of the Act by filing with the secretary of the board a notice of appeal setting out the objection to the by-law and the reasons supporting the objection.

4. A statement setting out what the last day for appealing the by-law is.

5. An explanation of the education development charges imposed by the by-law on residential development and non-residential development.

6. A description of the lands to which the by-law applies.

7. A key map showing the lands to which the by-law applies or an explanation of why a key map is not provided.

8. An explanation of where and when persons may examine a copy of the by-law.

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9. A statement that notice of a proposed by-law amending the education development charge by-law or the passage of such an amending by-law is not required to be given to any person or organization, other than to certain clerks of municipalities or secretaries of school boards, unless the person or organization gives the secretary of the board a written request for notice of any amendments to the education development charge by-law and has provided a return address. O. Reg. 20/98, s. 12.

PART IV
AMENDMENT TO BY-LAW

Re-determination of Education Development Charges

13. (1) This section applies if an amendment to an education development charge by-law would change any of the rates for determining the amount of an education development charge.

(2) Section 7 applies with the following modifications and such other modifications as are necessary:

1. References to the 15 years referred to in paragraph 1 of section 7 shall be deemed to be references to the portion of the 15 years immediately following the day the board intends to have the amending by-law come into force.

2. The estimate under paragraph 5 of section 7 shall be an estimate of the balance immediately before the day the board intends to have the amending by-law come into force. O. Reg. 20/98, s. 13.

Notice of Proposed Amendment to By-law

14. (1) This section applies to the notices relating to a proposed by-law amending an education development charge by-law that a board is required to give under section 257.72 of the Act.

(2) Notice shall be given to the following:

1. Every person and organization that has given the secretary of the board a written request for notice of any amendments to the education development charge by-law and has provided a return address.

2. The clerk of every municipality having jurisdiction within the area to which the education development charge by-law applies.

3. The secretary of every board having jurisdiction within the area to which the education development charge by-law, as amended, applies.

(3) Notice to a person or organization described in paragraph 1 of subsection (2) shall be given by personal service, fax or mail.

(4) Notice to a person described in paragraph 2 or 3 of subsection (2) shall be given by personal service, fax or mail or by publication in a newspaper that is, in the secretary of the board's opinion, of sufficiently general circulation in the area to which the education development charge by-law applies to give the public reasonable notice.

(5) Each notice shall set out the following:

1. A statement that the board proposes to amend the education development charge by-law.

2. An explanation of the education development charges imposed by the education development charge by-law on residential development and non-residential development.

3. An explanation of the proposed amending by-law.

4. A description of the lands to which the education development charge by-law applies.

5. A key map showing the lands to which the education development charge by-law applies or an explanation of why a key map is not provided.

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6. If the lands to which the education development charge by-law would apply will be different if the proposed amending by-law is passed, a description of the lands to which the education development charge by-law, as amended, would apply and a key map showing those lands or an explanation of why a key map is not provided.

7. An explanation of where and when persons may examine a copy of the proposed amending by-law. O. Reg. 20/98, s. 14.

Notice of the Passage of Amending By-law

15. (1) This section applies to the notices relating to the passage of a by-law amending an education development charge by-law that the secretary of a board is required to give under section 257.73 of the Act.

(2) Notice shall be given to the following:

1. Every person and organization that has given the secretary of the board a written request for notice of any amendments to the education development charge by-law and has provided a return address.

2. The Minister.

3. The clerk of every municipality having jurisdiction within the area to which the education development charge by-law, as amended, applies.

4. The secretary of every board having jurisdiction within the area to which the education development charge by-law, as amended, applies.

(3) Notice to a person or organization described in paragraph 1 or 2 of subsection (2) shall be given by personal service, fax or mail.

(4) Notice to a person described in paragraph 3 or 4 of subsection (2) shall be given by personal service, fax or mail or by publication in a newspaper that is, in the secretary of the board's opinion, of sufficiently general circulation in the area to which the education development charge by-law applies to give the public reasonable notice.

(5) Each notice shall set out the following:

1. A statement that the board has passed a by-law amending the education development charge by-law.

2. A statement setting out when the amending by-law was passed and what its number is.

3. A statement that any person or organization may appeal the amending by-law to the Ontario Municipal Board under section 257.74 of the Act by filing with the secretary of the board a notice of appeal setting out the objection to the amending by-law and the reasons supporting the objection.

4. A statement setting out what the last day for appealing the amending by-law is.

5. A statement that an appeal may not raise an issue that could have been raised in an appeal of the education development charge by-law under section 257.65 of the Act. O. Reg. 20/98, s. 15.

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PART V
MISCELLANEOUS

Education Development Charge Reserve Fund

16. (1) A board shall, under section 257.82 of the Act, establish an education development charge reserve fund for the area to which an education development charge by-law applies. O. Reg. 20/98, s. 16 (1).

(2) Money from an education development charge reserve fund established under subsection (1) may be used only,

(a) for growth-related net education land costs;

(b) as provided for under clause 241 (1) (a) or section 257.99 of the Act;

(c) to pay the reasonable costs of preparing, revising and distributing the pamphlet for the by-law as required under section 21;

(d) to pay the service charges of a financial institution relating to the reserve fund; or

(e) if an education development charge has been paid but the building permit for the development is revoked, to refund the education development charge plus interest at a rate not exceeding the rate prescribed under section 18. O. Reg. 20/98, s. 16 (2); O. Reg. 473/98, s. 1.

16.1 (1) If paragraph 4 of section 3 of Ontario Regulation 446/98 applies to the proceeds of a sale, lease or other disposition of real property by a board, the board shall establish an education development charge reserve fund. O. Reg. 473/98, s. 2.

(2) Money from an education development charge reserve fund established under subsection (1) may be used only to fund costs that meet all of the following criteria:

1. The costs are education land costs.

2. The costs are growth-related net education capital costs.

3. The costs are incurred for the purpose of acquiring land or an interest in land in the region prescribed under clause 257.101 (d) of the Act in which the real property referred to in subsection (1) is located. O. Reg. 473/98, s. 2; O. Reg. 136/00, s. 2.

Expiry of By-laws - Special Rule

17. (1) This section governs the expiry of an education development charge by-law of a board (the "new by-law") if, when the new by-law is passed, an education development charge by-law of another board (an "existing overlapping by-law") applies to any part of the area to which the new by-law applies.

(2) The new by-law expires on the earliest of the expiry dates of the existing overlapping by-laws, as they read on the day the new by-law is passed.

(3) For greater certainty, a by-law continued under section 257.103 of the Act is not an existing overlapping by-law. O. Reg. 20/98, s. 17.

Interest

18. The interest rate that shall be paid under subsections 257.69 (3) and 257.90 (2) of the Act and the minimum interest rate that boards shall pay under section 257.99 of the Act is the lowest prime rate reported to the Bank of Canada by any of the banks listed in Schedule I to the Bank Act (Canada) at the beginning of the period for which interest is to be paid. O. Reg. 20/98, s. 18.

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Regions

19. (1) The area of the jurisdiction of a board is divided into regions for the purposes of section 257.57 of the Act in accordance with the following:

1. The part of the jurisdiction that is in the area described in an item of the Schedule to this Regulation is a region.

2. The part of the jurisdiction that is not in any area described in an item of the Schedule to this Regulation is a region.

(2) The references in the Schedule to municipalities or areas are references to those municipalities or areas as they were on December 31, 1997, except where a contrary intention appears. O. Reg. 20/98, s. 19.

Monthly Reports

20. (1) The following information, as it relates to land in the municipality, is prescribed as information to be included in a monthly report under section 257.97 of the Act:

1. The total education development charges that are collected in respect of residential development.

2. The number of building permits, for each type of new dwelling unit the board identified under paragraph 2 of section 7, in respect of which education development charges were imposed.

3. The location of the lands to which the building permits described in paragraph 2 pertained.

4. The total education development charges collected in respect of non-residential development.

5. The number of building permits issued for non-residential development in respect of which an education development charge is imposed by the board.

6. The total gross floor area of the non-residential development in respect of which education development charges, determined using a rate applied to the gross floor area of the development, are imposed by the board. The total gross floor area shall not include the gross floor area of a development with respect to which subsection 257.55 (3) of the Act or subsection 5 (2) of this Regulation applies.

7. The total declared value of the non-residential development in respect of which education development charges, determined using a rate applied to the declared value of the development, are imposed by the board. The total declared value shall not include the declared value of a development with respect to which subsection 257.55 (3) of the Act or subsection 5 (2) of this Regulation applies.

8. For each development with respect to which subsection 257.55 (3) of the Act applies and in respect of which education development charges are imposed by the board,

   i. the gross floor area of the existing building,

   ii. the gross floor area of the enlargement, and

   iii. if the education development charges are determined using a rate applied to the declared value of the development, the declared value upon which the charges for the development are determined.

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9. For each development with respect to which subsection 5 (2) of this Regulation applies and in respect of which education development charges are imposed by the board,

   i. the gross floor area of the non-residential part of the building being replaced,

   ii. the gross floor area of the non-residential part of the replacement building, and

   iii. if the education development charges are determined using a rate applied to the declared value of the development, the declared value upon which the charges for the development are determined.

10. The number of building permits issued for residential development in an area to which the education development charge by-law applies in respect of which no education development charge is imposed.

11. The number of building permits issued for non-residential development in an area to which the education development charge by-law applies in respect of which no education development charge is imposed.

(2) The report shall cover the period,

   (a) beginning at the end of the period covered by the previous report by the municipality or, if there was no previous report, beginning on the first day that an education development charge by-law of the board applied to land in the municipality;

   (b) ending at the end of the 25th day of the month before the month in which the report is due. O. Reg. 20/98, s. 20.

Pamphlets Explaining By-law

21. (1) A board shall prepare a pamphlet for each education development charge by-law in force setting out,

   (a) a description of the general purpose for which the education development charges under the by-law are being imposed; and

   (b) the rules for determining if an education development charge is payable in a particular case and for determining the amount of the charge.

(2) The board shall prepare the pamphlet,

   (a) if the by-law is not appealed to the Ontario Municipal Board, within 60 days after the by-law comes into force;

   (b) if the by-law is appealed to the Ontario Municipal Board, within 60 days after the Ontario Municipal Board's decision or, if the Ontario Municipal Board orders the board to amend the by-law, within 60 days after the board does so.

(3) If an education development charge by-law is amended, the board shall revise the pamphlet for the by-law as necessary.

(4) If the board is required to revise the pamphlet, it shall do so,

   (a) if the amending by-law is not appealed to the Ontario Municipal Board, within 60 days after the amending by-law comes into force;

   (b) if the amending by-law is appealed to the Ontario Municipal Board, within 60 days after the Ontario Municipal Board's decision or, if the Ontario Municipal Board orders the board to amend the amending by-law, within 60 days after the board does so.

(5) Upon preparing or revising a pamphlet, the board shall give a copy of the pamphlet to the Minister.

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(6) The board shall give a copy of the most recent pamphlet, without charge, to any person who requests one.

(7) The board may charge a fee for additional copies of a pamphlet given to a person but the fee must be no more than is needed to pay for the cost of the additional copies.

(8) A person may reproduce and distribute the pamphlet in any form. O. Reg. 20/98, s. 21.

PART VI
TRANSITION FROM OLD DEVELOPMENT CHARGES ACT

Successor Boards

22. (1) Each board set out in Column 2 of the following table is prescribed as a successor board of the corresponding old board set out in Column 1 for the purposes of Division E of Part IX of the Act.

Item	Column 1 Old Boards	Column 2 Successor Boards
1.	The York Region Board of Education	English-language Public District School Board No. 16
		Conseil de district des écoles publiques de langue française n0 58
2.	The York Region Roman Catholic Separate School Board/Conseil des écoles séparées catholiques de la région de York	English-language Separate District School Board No. 42 Conseil de district des écoles séparées de langue française n0 64
3.	The Carleton Board of Education	English-language Public District School Board No. 25
4.	The Carleton Roman Catholic Separate School Board	English-language Separate District School Board No. 53
5.	The Durham Board of Education	English-language Public District School Board No. 13 Conseil de district des écoles publiques de langue française n0 58
6.	The Durham Region Roman Catholic Separate School Board/Conseil des écoles séparées catholiques de la région de Durham	English-language Separate District School Board No. 45 Conseil de district des écoles séparées de langue française n0 64
7.	The Halton Board of Education	English-language Public District School Board No. 20 Conseil de district des écoles publiques de langue française n0 58
8.	The Halton Roman Catholic Separate School Board/Conseil des écoles catholiques de Halton	English-language Separate District School Board No. 46 Conseil de district des écoles séparées de langue française n0 64

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Item	Column 1 Old Boards	Column 2 Successor Boards
9.	The Peel Board of Education	English-language Public District School Board No. 19 Conseil de district des écoles publiques de langue française n0 58
10.	The Dufferin County Board of Education	English-language Public District School Board No. 18 Conseil de district des écoles publiques de langue française n0 58
11.	The Dufferin-Peel Roman Catholic Separate School Board/Conseil des écoles séparées catholiques de Dufferin & Peel	English-language Separate District School Board No. 43 Conseil de district des écoles séparées de langue française n0 64
12.	The Wentworth County Board of Education	English-language Public District School Board No. 21 Conseil de district des écoles publiques de langue française n0 58
13.	The Hamilton-Wentworth Roman Catholic Separate School Board/Le conseil des écoles séparées catholiques romaines de Hamilton-Wentworth	English-language Separate District School Board No. 47 Conseil de district des écoles séparées de langue française n0 64
14.	Le Conseil des écoles publiques d'Ottawa-Carleton	Conseil de district des écoles publiques de langue française n0 59
15.	Conseil des écoles catholiques de langue française de la région d'Ottawa-Carleton	Conseil de district des écoles séparées de langue française n0 66

(2) For the purposes of this Part, the predecessor of a board set out in Column 2 of the table referred to in subsection (1) is the corresponding old board set out in Column 1. O. Reg. 473/98, s. 3.

Joint Education Development Charge Accounts

23. (1) For each joint education development charge account held by old boards set out in column 1 of the table to section 22 on December 31, 1997, the successor boards to the old boards shall establish an education development charge account to be held jointly by the successor boards.

(2) If, under the old Act, the amounts collected under an education development charge by-law would have been deposited into a joint education development charge account, the amounts paid under the by-law, as continued under section 257.103 of the Act, shall be deposited into the corresponding education development charge account established under subsection (1). O. Reg. 20/98, s. 23 (1, 2).

(3) The Development Charges Act and Regulation 268 of the Revised Regulations of Ontario, 1990, as they read on January 31, 1998, continue to apply, with necessary modifications, to money collected by the treasurer of a municipality under an education development charges by-law continued under section 257.103 of the Act and to a joint education development charge account established under subsection (1), subject to the following rules:

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1. In addition to the money that a successor board may withdraw under subsection 5 (7) of Regulation 268 of the Revised Regulations of Ontario, 1990 as it read on January 31, 1998 from the account established under subsection (1), the successor board may withdraw from the account an amount that will be applied to costs that meet all of the following criteria:

   i. The costs are education land costs.

   ii. The costs are growth-related net education capital costs.

   iii. The costs are incurred for the purpose of acquiring land or an interest in land in the area to which applied the successor board's predecessor by-law for the account established under subsection (1).

2. Subsection 5 (6) of Regulation 268 of the Revised Regulations of Ontario, 1990 as it read on January 31, 1998 does not apply to withdrawals under paragraph 1.

3. The total amount that may be withdrawn under paragraph 1 by a successor board shall not exceed the amount determined in accordance with the following formula:

$$\frac{A \times B \times (D + E + F + G + H + I - J - K - L - M - N - P - Q)}{B + C}$$

where,

A = the factor set out in Column 3 of the Table to this section opposite the name of the successor board set out in Column 1 and the name of the successor board's predecessor set out in Column 2,

B = the revenue raised by charges imposed by the successor board's predecessor by-law for the account established under subsection (1),

C = the revenue raised by charges imposed by the other education development charge by-law under which amounts were deposited into the predecessor account of the account established under subsection (1),

D = the income earned by the predecessor account of the account established under subsection (1),

E = the income that has been earned by the account established under subsection (1),

F = the future income that will be earned by the account established under subsection (1),

G = the sum of all the amounts that were deposited into the predecessor account of the account established under subsection (1),

H = the sum of all the amounts that have been deposited by the treasurer of a municipality into the account established under subsection (1),

I = the sum of all future amounts that will be deposited by the treasurer of a municipality into the account established under subsection (1),

J = the sum of all the amounts that were withdrawn from the predecessor account of the account established under subsection (1) under subsection 5 (7) of Regulation 268 of the Revised Regulations of Ontario, 1990 as it read on January 31, 1998,

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K = the sum of all the amounts that have been withdrawn from the account established under subsection (1) under subsection 5 (7) of Regulation 268 of the Revised Regulations of Ontario, 1990 as it read on January 31, 1998,

L = the sum of all future amounts that will be withdrawn from the account established under subsection (1) under subsection 5 (7) of Regulation 268 of the Revised Regulations of Ontario, 1990 as it read on January 31, 1998,

M= the sum of all future amounts that will be withdrawn under clause (6) (a) from reserve funds established under paragraph 1 of subsection (4) to which money will be distributed under subsection (5) from the account established under subsection (1),

N = the sum of all the amounts that were refunded from the predecessor account of the account established under subsection (1), including interest,

P = the sum of all the amounts that have been refunded from the account established under subsection (1), including interest,

Q = the sum of all future amounts that will be refunded from the account established under subsection (1), including interest. O. Reg. 473/98, s. 4 (1); O. Reg. 136/00, s. 3 (1).

(4) The following rules apply if an education development charge by-law is repealed or expires and amounts paid under the by-law were required, before it was repealed or expired, to be deposited into an education development charge account established under subsection (1):

1. The successor board whose by-law was repealed or expired shall establish an education development charge reserve fund that is in addition to any other education development charge reserve fund that the board may have established.

2. If, after the repeal or expiry, no amounts under an education development charge by-law of any other board will be required to be deposited into the education development charge account, a surplus in the account shall be distributed in accordance with subsection (5) to the education development charge reserve funds that have been established in respect of the account under paragraph 1. O. Reg. 20/98, s. 23 (4); O. Reg. 473/98, s. 4 (2).

(5) If paragraph 2 of subsection (4) requires a surplus in an education development charge account established under subsection (1) to be distributed in accordance with this subsection, the surplus shall be distributed so that the education development charge reserve fund established by each successor board under paragraph 1 of subsection (4) in respect of the account receives from the account the amount determined in accordance with the following formula:

$$\frac{A \times B \times (D + E + F + G - H - I - J - K - L)}{B + C} - M$$

where,

A = the factor set out in Column 3 of the Table to this section opposite the name of the successor board set out in Column 1 and the name of the successor board's predecessor set out in Column 2,

B = the revenue raised by charges imposed by the successor board's predecessor by-law for the account established under subsection (1),

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C = the revenue raised by charges imposed by the other education development charge by-law under which amounts were deposited into the predecessor account of the account established under subsection (1),

D = the income earned by the predecessor account of the account established under subsection (1),

E = the income that has been earned by the account established under subsection (1),

F = the sum of all the amounts that were deposited into the predecessor account of the account established under subsection (1),

G = the sum of all the amounts that have been deposited by the treasurer of a municipality into the account established under subsection (1),

H = the sum of all the amounts that were withdrawn from the predecessor account of the account established under subsection (1) under subsection 5 (7) of Regulation 268 of the Revised Regulations of Ontario, 1990 as it read on January 31, 1998,

I = the sum of all the amounts that have been withdrawn from the account established under subsection (1) under subsection 5 (7) of Regulation 268 of the Revised Regulations of Ontario, 1990 as it read on January 31, 1998,

J = the sum of all future amounts that will be withdrawn under clause (6) (a) from reserve funds established under paragraph 1 of subsection (4) to which money will be distributed under this subsection from the account established under subsection (1),

K = the sum of all the amounts that were refunded from the predecessor account of the account established under subsection (1), including interest,

L = the sum of all the amounts that have been refunded from the account established under subsection (1), including interest,

M= the total of all the amounts that have been withdrawn from the account established under subsection (1) by the successor board under paragraph 1 of subsection (3). O. Reg. 473/98, s. 4 (3).

(6) Money from an education development charge reserve fund established under paragraph 1 of subsection (4) may be used only to,

(a) pay amounts that are required to be paid under agreements entered into on or before the date referred to in subsection 257.103 (4) of the Act and that could have been withdrawn under subsection 5 (7) of Regulation 268 as it read on January 31, 1998 from the account established under subsection (1) or from the predecessor account of the account established under subsection (1); or

(b) fund costs that meet all of the following criteria:

1. The costs are education land costs.

2. The costs are growth-related net education capital costs.

3. The costs are incurred for the purpose of acquiring land or an interest in land in the area to which applied the successor board's predecessor by-law for the account established under subsection (1). O. Reg. 473/98, s. 4 (3); O. Reg. 136/00, s. 3 (2).

(6.0.1) Despite subsection (6), a board that has not passed a new education development charge by-law may use money from an education development charge reserve fund established under paragraph 1 of subsection (4) for a purpose set out in section 1 of Ontario Regulation 446/98 if,

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(a) the money is used to fund costs related to school properties located in the area to which applied the successor board's predecessor by-law for the account established under subsection (1); and

(b) the money is used to fund costs that are growth-related net education capital costs. O. Reg. 136/00, s. 3 (3).

(6.1) For the purposes of paragraph 5 of section 7, if a board proposes to pass a new education development charge by-law for all or part of an area to which, when the new by-law comes into force, an education development charge by-law of the board that was continued under subsection 257.103 (2) of the Act will still apply, the board's estimate shall be an estimate of the amounts that will be distributed under subsection (5) to education development charge reserve funds established by the board on the expiry or repeal of the continued by-law, less any amount that the board has entered into an agreement to pay and that the board is authorized to withdraw but has not yet withdrawn from the education development charge accounts established under subsection (1) in respect of the continued by-law.

(6.2) For the purposes of paragraph 5 of section 7, if a board proposes to pass a new education development charge by-law for all or part of an area in respect of which, when the new by-law comes into force, money from education development charge reserve funds established under paragraph 1 of subsection (4) may be used, the board's estimate shall be an estimate of the amount that will be in the reserve funds immediately before the new by-law comes into force, less any amount that the board has entered into an agreement to pay and that the board is authorized to withdraw but has not yet withdrawn from the reserve funds. O. Reg. 473/98, s. 4 (3).

(7) For the purposes of the application of the provisions referred to in subsection 257.103 (3) of the Act, references in those provisions to an education development charge reserve fund shall be deemed to be references to an education development charge reserve account. O. Reg. 20/98, s. 23 (7).

(8) In this section,

"predecessor account" means, with respect to an account established under subsection (1), the joint account established under the Development Charges Act, as it read on January 31, 1998, into which amounts were deposited that, under subsection (2), are required to be deposited into the account established under subsection (1); («compte remplacé»)

"predecessor by-law" means, with respect to a successor board and an account established under subsection (1), the education development charge by-law of the successor board's predecessor under which amounts were deposited into the predecessor account of the account established under subsection (1). («règlement remplacé») O. Reg. 473/98, s. 4 (4).

TABLE

Item	Column 1 Successor Board	Column 2 Predecessor	Column 3 Factor
1.	Conseil de district des écoles publiques de langue française no 59	Le Conseil des écoles publiques d'Ottawa-Carleton	1.00000
2.	Conseil scolaire de district catholique Centre-Sud	The Dufferin-Peel Roman Catholic Separate School Board	0.01685
3.	Conseil scolaire de district catholique Centre-Sud	The Durham Region Roman Catholic Separate School Board	0.03843
4.	Conseil scolaire de district catholique Centre-Sud	The Halton Roman Catholic Separate School Board	0.03633
5.	Conseil scolaire de district catholique Centre-Sud	The Hamilton-Wentworth Roman Catholic Separate School Board	0.02826
6.	Conseil scolaire de district catholique Centre-Sud	The York Region Roman Catholic Separate School Board	0.02061
7.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	Conseil des écoles catholiques de langue française de la région d'Ottawa-Carleton	1.00000

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Item	Column 1 Successor Board	Column 2 Predecessor	Column 3 Factor
8.	Conseil scolaire de district du Centre Sud-Ouest	The Dufferin County Board of Education	0.00410
9.	Conseil scolaire de district du Centre Sud-Ouest	The Durham Board of Education	0.00910
10.	Conseil scolaire de district du Centre Sud-Ouest	The Halton Board of Education	0.00860
11.	Conseil scolaire de district du Centre Sud-Ouest	The Peel Board of Education	0.01050
12.	Conseil scolaire de district du Centre Sud-Ouest	The Wentworth County Board of Education	0.00680
13.	Conseil scolaire de district du Centre Sud-Ouest	The York Region Board of Education	0.00840
14.	Dufferin-Peel Catholic District School Board	The Dufferin-Peel Roman Catholic Separate School Board	0.98315
15.	Durham Catholic District School Board	The Durham Region Roman Catholic Separate School Board	0.96157
16.	Durham District School Board	The Durham Board of Education	0.99090
17.	Halton Catholic District School Board	The Halton Roman Catholic Separate School Board	0.96367
18.	Halton District School Board	The Halton Board of Education	0.99140
19.	Hamilton-Wentworth Catholic District School Board	The Hamilton-Wentworth Roman Catholic Separate School Board	0.97174
20.	Hamilton-Wentworth District School Board	The Wentworth County Board of Education	0.99320
21.	Ottawa-Carleton Catholic District School Board	The Carleton Roman Catholic Separate School Board	1.00000
22.	Ottawa-Carleton District School Board	The Carleton Board of Education	1.00000
23.	Peel District School Board	The Peel Board of Education	0.98950
24.	Upper Grand District School Board	The Dufferin County Board of Education	0.99590
25.	York Catholic District School Board	The York Region Roman Catholic Separate School Board	0.97939
26.	York Region District School Board	The York Region Board of Education	0.99160

Monthly Reports for Continued By-laws

24. The following apply with respect to a report required under section 257.97 of the Act as that section applies under subsection 257.103 (3) of the Act:

1. The period that the report must cover is the period referred to in subsection 37 (5) of the old Act.

2. The information that the report shall contain is the information that was prescribed under section 14 of Regulation 268 of the Revised Regulations of Ontario, 1990, as it read on January 31, 1998. O. Reg. 20/98, s. 24.

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SCHEDULE (REGIONS)

NORTHERN ONTARIO

1. The area of jurisdiction of the former Atikokan Board of Education as it existed on December 31, 1997.

2. The area of jurisdiction of the former Beardmore, Geraldton, Longlac and Area Board of Education as it existed on December 31, 1997.

3. The area of jurisdiction of the former Central Algoma Board of Education as it existed on December 31, 1997.

4. The area of jurisdiction of the former Chapleau Board of Education as it existed on December 31, 1997.

5. The area of jurisdiction of the former Cochrane-Iroquois Falls, Black River-Matheson Board of Education as it existed on December 31, 1997.

6. The area of jurisdiction of the former Dryden Board of Education as it existed on December 31, 1997.

7. The area of jurisdiction of the former East Parry Sound Board of Education as it existed on December 31, 1997.

8. The area of jurisdiction of the former Espanola Board of Education as it existed on December 31, 1997.

9. The area of jurisdiction of the former Fort Frances-Rainy River Board of Education as it existed on December 31, 1997.

10. The area of jurisdiction of the former Hearst Board of Education as it existed on December 31, 1997.

11. The area of jurisdiction of the former Hornepayne Board of Education as it existed on December 31, 1997.

12. The area of jurisdiction of the former Kapuskasing-Smooth Rock Falls and District Board of Education as it existed on December 31, 1997.

13. The area of jurisdiction of the former Kenora Board of Education as it existed on December 31, 1997.

14. The area of jurisdiction of the former Kirkland Lake Board of Education as it existed on December 31, 1997.

15. The area of jurisdiction of the former Lake Superior Board of Education as it existed on December 31, 1997.

16. The area of jurisdiction of the former Lakehead Board of Education as it existed on December 31, 1997.

17. The area of jurisdiction of the former Manitoulin Board of Education as it existed on December 31, 1997.

18. The area of jurisdiction of the former Michipicoten Board of Education as it existed on December 31, 1997.

19. The area of jurisdiction of the former Muskoka Board of Education as it existed on December 31, 1997.

20. The area of jurisdiction of the former Nipigon-Red Rock Board of Education as it existed on December 31, 1997.

21. The area of jurisdiction of the former Nipissing Board of Education as it existed on December 31, 1997.

22. The area of jurisdiction of the former North Shore Board of Education as it existed on December 31, 1997.

23. The area of jurisdiction of the former Red Lake Board of Education as it existed on December 31, 1997.

24. The area of jurisdiction of the former Sault Ste. Marie Board of Education as it existed on December 31, 1997.

25. The area of jurisdiction of the former Sudbury Board of Education as it existed on December 31, 1997.

26. The area of jurisdiction of the former Timiskaming Board of Education as it existed on December 31, 1997.

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27. The area of jurisdiction of the former Timmins Board of Education as it existed on December 31, 1997.

28. The area of jurisdiction of the former West Parry Sound Board of Education as it existed on December 31, 1997.

29. In the Territorial District of Nipissing, the Township of Airy and the geographic townships of Sabine, Murchison, Lyell and Dickens.

COUNTIES

30. The County of Brant.

31. The County of Bruce.

32. The County of Dufferin.

33. The County of Elgin.

34. The County of Essex, excluding the City of Windsor and including the Township of Pelee.

35. The County of Frontenac.

36. The County of Grey.

37. The County of Haliburton.

38. The County of Hastings.

39. The County of Huron.

40. The County of Kent.

41. The County of Lambton.

42. The County of Lanark.

43. The United Counties of Leeds and Grenville.

44. The County of Lennox and Addington.

45. The County of Middlesex, excluding the City of London.

46. Northumberland County and the Municipality of Clarington in the Regional Municipality of Durham.

47. The County of Oxford.

48. The County of Perth.

49. The County of Peterborough.

50. The United Counties of Prescott and Russell.

51. The County of Prince Edward.

52. The County of Renfrew.

53. The County of Simcoe.

54. The United Counties of Stormont, Dundas and Glengarry.

55. The County of Victoria.

56. The County of Wellington.

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REGIONAL MUNICIPALITIES

57. The Regional Municipality of Durham, except for the Municipality of Clarington.

58. The portion of The Regional Municipality of Haldimand-Norfolk that on December 31, 1997 was the school division of The Haldimand County Board of Education.

59. The portion of The Regional Municipality of Haldimand-Norfolk that on December 31, 1997 was the school division of The Norfolk County Board of Education.

60. The Regional Municipality of Halton.

61. The Regional Municipality of Hamilton-Wentworth, excluding the City of Hamilton.

62. The portion of The Regional Municipality of Niagara that on December 31, 1997 was the school division of The Lincoln County Board of Education.

63. The portion of The Regional Municipality of Niagara that on December 31, 1997 was the school division of The Niagara South Board of Education.

64. The Regional Municipality of Ottawa-Carleton, excluding the City of Ottawa, the City of Vanier and the Village of Rockliffe Park.

65. The Regional Municipality of Peel.

66. The Regional Municipality of Waterloo.

67. The Regional Municipality of York.

CITIES

68. The City of Hamilton.

69. The City of London.

70. The City of Ottawa, the City of Vanier and the Village of Rockliffe Park.

71. The City of Toronto as it existed on January 1, 1998.

72. The City of Windsor.

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ONTARIO REGULATION
made under the
EDUCATION ACT

Amending O. Reg. 20/98
(Education Development Charges — General)

Note: Ontario Regulation 20/98 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 19, 2002.

1. (1) The definition of "existing industrial building" in section 1 of Ontario Regulation 20/98 is revoked and the following substituted:

"existing industrial building" means a building used for or in connection with,

(a) manufacturing, producing, processing, storing or distributing something,

(b) research or development in connection with manufacturing, producing or processing something,

(c) retail sales by a manufacturer, producer or processor of something they manufactured, produced or processed, if the retail sales are at the site where the manufacturing, production or processing takes place,

(d) office or administrative purposes, if they are,

(i) carried out with respect to manufacturing, producing, processing, storage or distributing of something, and

(ii) in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution; ("immeuble industriel existant")

(2) Section 1 of the Regulation is amended by adding the following subsection:

(2) References in this Regulation to the "board-determined GFA" are references to,

(a) the gross floor area as determined under the applicable education development charge by-law, if the expression "gross floor area" is defined in the by-law; or

(b) the gross floor area as defined in subsection (1), if the applicable education development charge by-law does not contain a definition of "gross floor area".

2. The French version of the Table in section 3 of the Regulation is amended by adding "le plus petit" before "que contient" in the fourth column opposite "Autres immeubles d'habitation".

3. Subsection 5 (2) of the Regulation is revoked and the following substituted:

(2) If the board-determined GFA of the non-residential part of the replacement building exceeds the board-determined GFA of the non-residential part of the building being replaced, the board is only required to exempt the owner with respect to the portion of the education development charge calculated in accordance with the following formula:

Exempted portion = [GFA(old) ÷ GFA(new)] × EDC

where,

"Exempted portion" means the portion of the education development charge that the board is required to exempt,

"GFA (old)" means the board-determined GFA of the non-residential part of the building being replaced,

"GFA (new)" means the board-determined GFA of the non-residential part of the replacement building,

"EDC" means the education development charge that would be payable in the absence of the exemption.

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4. (1) Subparagraph 9 iii of section 7 of the Regulation is amended by striking out "growth-related net education land cost" and substituting "forecasted growth-related net education land cost".

(2) Section 7 of the Regulation is amended by adding the following paragraph:

9.1 Despite paragraph 9, if the board intends to impose different charges on different types of residential development, the board shall determine,

i. the percentage of the growth-related net education land cost to be funded by charges on residential development that is to be funded by each type of residential development,

ii. the charges on each type of residential development, subject to the rules in subparagraphs 9 i, ii and iii.

(3) Subsubparagraph 10 i A of section 7 of the Regulation is amended by striking out "gross floor area" and substituting "board-determined GFA".

(4) Subparagraph 10 vi of section 7 of the Regulation is amended by striking out "growth-related net education land cost" and substituting "forecasted growth-related net education land cost".

5. Paragraph 2 of section 10 of the Regulation is revoked and the following substituted:

2. At least one of the following conditions:

i. The estimated average number of elementary school pupils of the board over the five years immediately following the day the board intends to have the by-law come into force exceeds the total capacity of the board to accommodate elementary school pupils throughout its jurisdiction on the day the by-law is passed.

ii. The estimated average number of secondary school pupils of the board over the five years immediately following the day the board intends to have the by-law come into force exceeds the total capacity of the board to accommodate secondary school pupils throughout its jurisdiction on the day the by-law is passed.

iii. At the time of expiry of the board's last education development charge by-law that applies to all or part of the area in which the charges would be imposed, the balance in the education development charge reserve fund is less than the amount required to pay outstanding commitments to meet growth-related net education land costs, as calculated for the purposes of determining the education development charges imposed under that by-law.

6. Section 13 of the Regulation is revoked and the following substituted:

13. If a proposed amendment to an education development charge by-law would change a rate used to determine the amount of an education development charge, section 7 applies with necessary modifications before the by-law to make the amendment is passed.

7. Clause 16 (2) (a) of the Regulation is revoked and the following substituted:

(a) for growth-related net education land costs attributed to or resulting from development in the area to which the education development charge by-law applies;

8. Section 18 of the Regulation is amended by adding the following subsections:

(2) Despite subsection (1),

(a) the prescribed interest rate for periods after this subsection comes into force for the purposes of subsections 257.69 (3) and 257.90 (2) of the Act, in respect of refunds in connection with an education development charge by-law, is the rate of interest determined under subsection (3); and

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(b) the minimum interest rate that a board shall pay for the purposes of section 257.99 of the Act in respect of an amount borrowed from an education development charge reserve fund established in connection with an education development charge by-law that is made after the day this subsection comes into force is the rate of interest determined under subsection (3).

(3) For the purposes of subsection (2), the rate of interest in respect of amounts payable in connection with an education development charge by-law is,

(a) the Bank of Canada rate on the day the by-law comes into force; or

(b) the Bank of Canada rate on the day the by-law comes into force, as adjusted to the current Bank of Canada rate on the first day of every following January, April, July and October, if the by-law authorizes the adjustments.

9. Subsection 19 (2) of the Regulation is revoked and the following substituted:

(2) A reference in the Schedule to an upper-tier municipality or to a local municipality shall be read as a reference to the geographic area that is under the jurisdiction of the municipality on January 1, 2002, unless otherwise stated in the Schedule.

(3) In this section and the Schedule,

"local municipality" means a single-tier municipality or a lower-tier municipality; ("municipalité locale")

"upper-tier municipality" means a municipality of which two or more lower-tier municipalities form part for municipal purposes. ("municipalité de palier supérieur ")

(4) In subsection (3),

"lower-tier municipality" means a municipality that forms part of an upper-tier municipality for municipal purposes; ("municipalité de palier inférieur")

"municipality" means a geographic area whose inhabitants are incorporated; ("municipalité")

"single-tier municipality" means a municipality, other than an upper-tier municipality, that does not form part of an upper-tier municipality for municipal purposes. ("municipalité à palier unique")

10. (1) Paragraph 6 of subsection 20 (1) of the Regulation is revoked and the following substituted:

6. The total board-determined GFA of the non-residential development in respect of which education development charges, determined using a rate applied to the board-determined GFA of the development, are imposed by the board. The total board-determined GFA shall not include the gross floor area of a development with respect to which subsection 257.55 (3) of the Act applies or the board-determined GFA to which subsection 5 (2) of this Regulation applies.

(2) Paragraph 9 of subsection 20 (1) of the Regulation is amended by striking out "gross floor area" wherever it appears in subparagraphs i and ii and substituting in each case "board-determined GFA".

11. (1) The Schedule (Regions) to the Regulation is amended by striking out the heading "Northern Ontario".

(2) Paragraph 2 of the Schedule (Regions) to the Regulation is revoked and the following substituted:

2. The area of jurisdiction of the former Beardmore, Geraldton, Longlac and Area Board of Education, as it existed on December 31, 1997, and the former Kilkenny District School Area.

(3) Paragraph 6 of the Schedule (Regions) to the Regulation is revoked and the following substituted:

6. The area of jurisdiction of the former Dryden Board of Education, as it existed on December 31, 1997, and the former Sturgeon Lake District School Area.

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(4) Paragraph 16 of the Schedule (Regions) to the Regulation is revoked and the following substituted:

16. The area of jurisdiction of the former Lakehead Board of Education, as it existed on December 31, 1997 and the former Kashabowie District School Area.

(5) Paragraphs 29 to 72 of the Schedule (Regions) to the Regulation are revoked and the following substituted:

29. The local municipality of South Algonquin.

30. The local municipalities of Brantford and County of Brant.

31. The upper-tier municipality of Bruce.

32. The upper-tier municipality of Dufferin.

33. The upper-tier municipality of Elgin and the local municipality of St. Thomas.

34. The upper-tier municipality of Essex and the local municipality of Pelee.

35. The geographic area of the Frontenac Management Board, as set out in paragraph 3.3 (b) of an Order made under section 25.2 of the *Municipal Act* on January 7, 1997 and published in *The Ontario Gazette* dated February 15, 1997, and the local municipality of Kingston.

36. The upper-tier municipality of Grey.

37. The upper-tier municipality of Haliburton.

38. The upper-tier municipality of Hastings, the local municipality of Belleville and the portions of the geographic area of the local municipality of Quinte West that on December 31, 1997 were included in the geographic area of the upper-tier municipality of Hastings or of the former City of Trenton.

39. The upper-tier municipality of Huron.

40. The local municipality of Chatham-Kent.

41. The upper-tier municipality of Lambton.

42. The upper-tier municipality of Lanark and the local municipality of Smiths Falls.

43. The upper-tier municipality of Leeds and Grenville and the local municipalities of Brockville, Gananoque and Prescott.

44. The upper-tier municipality of Lennox and Addington.

45. The upper-tier municipality of Middlesex.

46. The upper-tier municipality of Northumberland, the local municipality of Clarington and the portion of the geographic area of the local municipality of Quinte West that on December 31, 1997 was included in the geographic area of the upper-tier municipality of Northumberland.

47. The upper-tier municipality of Oxford.

48. The upper-tier municipality of Perth and the local municipalities of St. Marys and Stratford.

49. The upper-tier municipality of Peterborough and the local municipality of Peterborough.

50. The upper-tier municipality of Prescott and Russell.

51. The local municipality of County of Prince Edward.

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52. The upper-tier municipality of Renfrew and the local municipality of Pembroke.

53. The upper-tier municipality of Simcoe and the local municipalities of Barrie and Orillia.

54. The upper-tier municipality of Stormont, Dundas and Glengarry and the local municipality of Cornwall.

55. The local municipality of Kawartha Lakes.

56. The upper-tier municipality of Wellington and the local municipality of Guelph.

57. The upper-tier municipality of Durham, except for the local municipality of Clarington.

58. The local municipality of Haldimand County.

59. The local municipality of Norfolk County.

60. The upper-tier municipality of Halton.

61. The local municipality of Hamilton.

62. The portion of the upper-tier municipality of Niagara that on December 31, 1997 was the school division of The Lincoln County Board of Education.

63. The portion of the upper-tier municipality of Niagara that on December 31, 1997 was the school division of The Niagara South Board of Education.

64. The local municipality of Ottawa.

65. The upper-tier municipality of Peel.

66. The upper-tier municipality of Waterloo.

67. The upper-tier municipality of York.

68. The local municipality of London.

69. The local municipality of Toronto.

70. The local municipality of Windsor.

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